



CITY OF MARSHALL
City Council Meeting
A g e n d a
Tuesday, August 23, 2022 at 5:30 PM
City Hall, 344 West Main Street

OPENING ITEMS

1. Ceremonial Swearing in of Elected Official

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. Consider approval of the minutes from the regular meeting held on August 8, 2022 and special meeting held August 11, 2022

PUBLIC HEARING

3. Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances
1) Public Hearing; 2) Adoption of Ordinance.

AWARD OF BIDS

4. Authorization to Purchase Trees for Parks Department as part of 2021 Preparing for EAB Grant

CONSENT AGENDA

5. Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce at Kruse Motors
6. Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce Taste of Marshall Event.
7. Consideration of temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 9-10, 2022
8. Consider approval of On-Sale Intoxicating Liquor License and Sunday On-Sale for Knochenmus Enterprises, LLP
9. Consider approval of a Temporary On-Sale Liquor License for the Marshall Area YMCA
10. Consider approval for a LG214 Premises Permit Application for the Marshall Baseball Association
11. Consider a resolution calling for a public hearing on the proposed assessments for ice, snow, and weed elimination.
12. Consider approval of the bills/project payments

APPROVAL OF ITEMS PULLED FROM CONSENT

OLD BUSINESS

TABLED ITEM

NEW BUSINESS

13. On-Street Bike Lanes on State Aid Streets.
14. Consider Joint Funding Agreement with US Geological Survey (USGS) for Redwood River Gaging Station near Marshall, Minnesota for Federal FY2022-2026.

COUNCIL REPORTS

15. Commission/Board Liaison Reports
16. Councilmember Individual Items

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

STAFF REPORTS

- 17. City Administrator
- 18. Director of Public Works/City Engineer
- 19. City Attorney

ADMINISTRATIVE REPORTS

INFORMATION ONLY

- [20.](#) Cash and Investments
- [21.](#) Building Permits

MEETINGS

- [22.](#) Upcoming Meetings

ADJOURN



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider approval of the minutes from the regular meeting held on August 8, 2022.
Background Information:	Enclosed are the minutes from the regular meeting held on August 8, 2022.
Fiscal Impact:	None
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the regular meeting held on August 8, 2022, be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Monday, August 08, 2022**

The regular meeting of the Common Council of the City of Marshall was held August 08, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Russ Labat, John DeCramer, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services and City Clerk Steven Anderson.

The Pledge of Allegiance was recited at this time.

Consider approval of the minutes from the regular meeting held on July 26, 2022.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the minutes from the regular meeting held on July 26, 2022, be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Floodplain Management Ordinance Amendment – Chapter 38, Article II – Reschedule Public Hearing.

Director of Public Works/City Engineer Jason Anderson presided over the public hearing. Due to pending changes to formatting, City staff is requesting a reschedule of the public hearing date to August 23, 2022. The content of the proposed ordinance revisions as introduced on July 26, 2022, has not substantially changed.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to reschedule the Floodplain Management Ordinance Amendment public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Consider Approval of the Consent Agenda

Motion made by Councilmember Meister, Seconded by Councilmember Labat to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

- Consider Liability Coverage – Waiver for 2022-2023 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance
- Consider approval of the bills/project payments

Consider Proposal Indoor Recreation Facility and YMCA Collaboration Feasibility

City Administrator Sharon Hanson introduced the proposal for the Indoor Recreation Facility and YMCA collaboration feasibility study. Steven Rassier, Marshall Area YMCA Board Chair and Mark Wentzell, 292 Design Group Planner were also present. The City of Marshall in January of 2022 approved a resolution requesting sales tax authorization for an aquatic center and an indoor recreation facility. Since that time, current proposed legislation does not include an indoor recreation facility due the sentiment that additional information would be needed to garner legislature and public support. Recently the city received a request from the Marshall Area YMCA to study financial viability and future recreation needs as a community and YMCA. In MN and nationwide, YMCAs and the communities in which they are located have explored or have existing arrangements with cities. One proposal was received from 292 Design Group the same group that had done the Marshall aquatic center study. The cost of the study would amount to \$42,500 and the YMCA would be contributing up to \$10,000. Wentzell expects the study to begin in the fall and could possibly take 5-7 months to complete.

Motion made by Councilmember Labat, Seconded by Councilmember Schafer to proceed with the proposal and for the Marshall Area YMCA to consider additional contributions. Voting Yea: Mayor Byrnes, Councilmember Schafer,

Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-005: Rose Parking Lot Reconstruction Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request No. 2.

Change Order No. 2 (Final) results in a base bid pay item increase in the amount of \$7,218.57 and Final Pay Request No. 2 results in a total contract amount of \$159,778.08. The original contract amount was \$140,177.51.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve final payment. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Project ST-009: N. 3rd/W. Lyon Reconstruction Project – Review/Recommend Final Street Layout.

Director of Public Works/City Engineer Jason Anderson presented Project ST-009. The layout includes a one-way N. 3rd Street from W. Main Street to W. Lyon Street, a two-way W. Lyon Street from E. College Drive to N. 5th Street with angle parking on the “north” side and parallel parking on the “south” side and a two-way N. 3rd Street from W. Lyon Street to W. Redwood Street with angle parking on the “east” side and parallel parking on the “west” side. Because the traffic signal isn’t needed for N. 3rd Street, the signal heads that face N. 3rd Street today would be removed. The signal heads that face W. Main Street would remain, and the signal would remain in place to serve pedestrians that would like to cross W. Main Street from either side of the N. 3rd Street intersection. A median is being proposed on W. Main Street on the “south” side of the intersection to provide for additional pedestrian safety.

The streetscaping included in the layout is currently for visual presentation and is not part of the design being currently discussed. This final street layout is for the curb locations, street widths, and traffic control. The Public Improvement & Transportation Committee met on 08/08/2022 and approved the layout contingent on support from the Downtown Business Association. The Downtown Business Association did provide a letter of support for the current layout minus the streetscaping elements.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat to move forward with the recommended street layout for N. 3rd/W. Lyon Street reconstruction. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Enterprise Update

Director of Administrative Services presented an update to the city council regarding the City of Marshall’s fleet cars managed through Enterprise Fleet Management. Vehicles on order from 2022 are still awaiting fulfillment. Discussion was had between councilmembers regarding the original terms. Councilmembers also entertained the idea of creating an internal program for trading and updating vehicles in a timely manner.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to refer Enterprise Fleet Management to the Equipment Review and Ways and Means Committees. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Commission/Board Liaison Reports

Byrnes

No report.

Schafer

Airport Commission met and discussed long term issues, and zoning ordinances.

Meister Community Services Advisory Board met and received updates on the aquatic center. The Community Services Brochure will be sent out to the community on August 23rd. The aquatic center will be closing the week after Sounds of Summer. Ribbon cutting for the 150th community art piece and Independence Park trail rededication is on August 18th at 11:30am. Bluepeak, formerly Vast Communications, is in talks with Marshall Community Services to provide free WIFI to various city parks.

DeCramer Diversity, Equity and Inclusion Committee met and discussed the World Café.

Labat No report.

Lozinski No report.

Councilmember Individual Items

Councilmember Lozinski commented on a letter regarding the state of the City of Marshall.

Councilmember Labat requested an update on the school zone project from the Director of Public Works. Filing for city council ends on August 16th at 5:00pm and can be done at City Hall with the City Clerk. Councilmember Labat will not be rerunning for his position.

Councilmember DeCramer wanted to remind the community that Tuesday August 9th is the State Primary and City Special Election for Ward 1.

Mayor Brynes, City Administrator Sharon Hansen, and Economic Development Director Lauren Deutz toured the mercantile building on Friday August 5th. Mayor Brynes was appointed to a League of Minnesota Cities Task force for hemp derived THC edible products.

City Administrator

City Attorney request for proposals is tentatively scheduled for review on August 17th. Budget and levy discussions are ongoing with the Director of Administrative Services. Two bids were received for insurance brokerage service for workers comp, property, and liability.

Director of Public Works/City Engineer

Director of Public Works Anderson gave an update on the Rectangular Rapid Flashing Beacons (RRFB) project requested by Councilmember Labat. Updates were also given on seal coat projects, mill and overlay project, South 1st St. project, and the Baldwin Parking lot behind city hall will begin after Sounds of Summer. BNSF will begin replacing panels at various crossings.

City Attorney

Helena is in the process of hiring a contractor to demolish the dry fertilizer building. Broadmoor Valley has submitted three repair permits for troubled manufactured homes and an engineer consultant has hired by the owner. Fairview Township has rejected the North 7th Street annexation joint resolution.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the information items.

Upcoming Meetings

There were no questions on the upcoming meetings.

ADJOURN

At 6:41pm Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Mayor

Attest:

City Clerk

**CITY OF MARSHALL
SPECIAL MEETING
M I N U T E S
Thursday, August 11, 2022**

The special meeting of the Common Council of the City of Marshall was held August 11, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 10:00 A.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Steve Meister, John DeCramer, Russ Labat. Absent: Craig Schafer and James Lozinski. Staff present included: E.J. Moberg, Director of Administrative Services and Steven Anderson, City Clerk.

Canvass August 9th Primary and Special Election Results

The Abstract of Votes Cast at the Special Election held Tuesday, August 09, 2022, that was provided by the Lyon County Auditor/Treasurer was reviewed and found to be correct.

MOTION was made by Councilmember DeCramer, seconded by Councilmember Labat to certify the names of the candidates receiving votes and the number of votes received by each candidate. All voted in favor. The motion **Carried. 4-0.**

Adjourn

At 10:05 A.M., a motion was made by Councilmember DeCramer, seconded by Councilmember Meister to adjourn the special meeting.

Attest:

Mayor

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances – 1) Public Hearing; 2) Adoption of Ordinance.
Background Information:	<p>On March 15, 2022, the City received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA). The LFD explains that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study is complete and will become effective on September 15, 2022. In the City of Marshall, map panels 304, 308, and 312 were amended to reflect that the land that is protected by the 1963 levee is land that contains levees that are not accredited, and therefore are not shown to protect from the 1 percent-annual-chance flood.</p> <p>Now that our flood maps and insurance study have been amended, we are required to ensure that our floodplain management regulations meet Federal standards. Simply stated, our community must amend our floodplain ordinance or adopt a new floodplain ordinance prior to September 15, 2022 in order to continue participating in the National Flood Insurance Program (NFIP). The Minnesota Department of Natural Resources (MNDNR) has reached out to provide the City with a model floodplain ordinance that meets the Federal criteria.</p> <p>Included in the Council packet is the DNR model floodplain ordinance for Committee consideration.</p> <p><u><i>Further background information regarding our map updates:</i></u></p> <p>The 1963 levee is no longer considered to be a “provisionally-accredited levee” by FEMA. The 1963 levee is located southwest of Marshall, north of the Redwood River, north of BNSF RR tracks, and northwest of Victory Park (Wayside Rest). The levee is no longer provisionally-accredited by FEMA because the levee does not offer enough freeboard above design flood elevations to meet current standards. FEMA started conversations prior to our last FEMA map date (2010) regarding this pending loss of accreditation. Raising the levee to provide adequate freeboard to meet FEMA requirements would trigger necessary river modeling studies to determine no adverse effects downstream. By paying to model the river there would be no guarantee that we would be allowed to raise the 1963 levee.</p> <p>The loss of levee accreditation does not significantly affect flood insurance requirements for the property that is protected by this levee. This land was “Zone X” prior to the loss of accreditation, and it will remain “Zone X” following the loss of accreditation. Prior to this revision, the land was notated as receiving protection from a provisionally-accredited levee and that overtopping and failure may occur. The land was labeled Zone X with a threat of flooding with depths less than 1 foot. Now that the “provisional-status” has been removed, the land is simply noted that it is protected by a non-accredited levee and that flooding may occur. The Zone X now indicates that the</p>

	<p>land is an “area of 1% annual chance flood with average depths of less than 1 foot”. Essentially, the land has the exact same designation.</p> <p>This ordinance has been presented at the following meetings: Legislative & Ordinance Committee – 06/28/2022 City Council – 07/26/2022 – introduction and hearing scheduled for 08/08/2022 City Council – 08/08/2022 – hearing rescheduled to 08/23/2022.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	<p>Recommendation No. 1 that the Council close the public hearing.</p> <p>Recommendation No. 2 that the Council adopt Ordinance No. 22-XXX, which is the summary ordinance and complete ordinance regarding the amendment to Chapter 38, Article II of the City Code of Ordinances.</p>

SUMMARY ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 38
RELATING TO FLOODPLAIN MANAGEMENT**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 38-Floods, Article 38-II Floodplain Management, is hereby amended in its entirety.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 22-_____.

It is hereby directed that only the above Title and Summary of Ordinance No. 22-_____ be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: These Ordinances shall take effect after their passage and summary publication.

Passed and adopted by the Common Council this 23rd day of August, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Summary Ordinance Introduced on: July 26, 2022

Ordinance Introduced on: July 26, 2022

Final Passage on: August 23, 2022

Summary Ordinance Published in the Marshall Independent: _____

ORDINANCE NO. 22-_____

AN ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 38
RELATING TO FLOODPLAIN MANAGEMENT

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 38-Floods, Article 38-II Floodplain Management, is hereby amended in its entirety.

MARSHALL CITY CODE OF ORDINANCES
CHAPTER 38 FLOODS
ARTICLE 38-II FLOODPLAIN MANAGEMENT

Section 38-21 Statutory Authorization, Findings Of Fact And Purpose

(a) **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

(b) **Purpose.**

- (1) This ordinance regulates development in the flood hazard areas of the City of Marshall. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (2) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
- (3) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
- (4) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(b) **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(c) **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Marshall or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(d) **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Section 38-22 Definitions

Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

Accessory structure means a structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE) means the elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

Basement means any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Board of adjustment means Planning Commission.

Building - see *Structure*.

Channel means a natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

Conditional use means a land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in this ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Equal Degree of Encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

FEMA means Federal Emergency Management Agency.

Farm Fence means an open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

Flood means a temporary rise in the flow or water surface elevation of a stream, wetland, or lake that results in the inundation of normally dry areas.

Flood fringe means the portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 38-23(a)(3).

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the study referenced in Section 38-23(b) which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Flood prone area means any land susceptible to being inundated by water from any source.

Floodplain means the beds, channel and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.

Floodproofing means a combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

Light duty truck means any motor vehicle that has all three of the following:

- 8,500 pounds Gross Vehicle Weight Rating or less;
- vehicle curb weight of 6,000 pounds or less; and
- basic vehicle frontal area less than 45 square feet.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

New construction means structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

Principal structure means the main building or other structure on a lot that is utilized for the property's principal use.

Reach is a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Regulatory Flood Protection Elevation (RFPE) means an elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

Regulatory floodplain means the geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE) (as illustrated in Figure 2). This shall not include those areas protected by flood control structures which meet or exceed the standards contained in 44 CFR § 65.10.

Repetitive loss means flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Stage increase means any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of

any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 38-30(b)(2), shall also be considered a structure for the purposes of this ordinance.

Subdivision means land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

Variance means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

Watercourse means a channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

Section 38-23 Jurisdiction and Districts

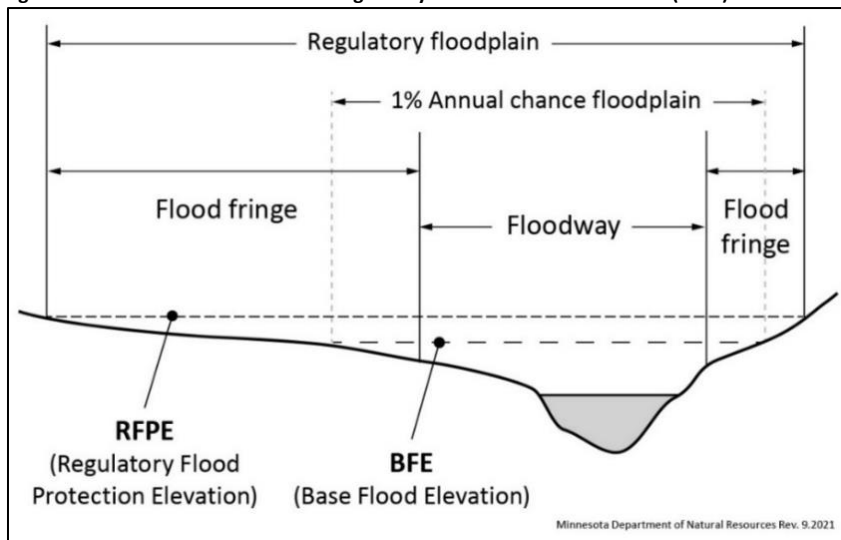
- (a) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of Marshall within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.
- (1) The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



- (3) The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (Figure 2). Regulatory limits shall not be extended into areas protected by accredited flood control projects.

Figure 2: Horizontal extension of the Regulatory Flood Protection Elevation (RFPE)



(4) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the *Board of Adjustment* and to submit technical evidence.

(b) **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance.

- Flood Insurance Study
 - Flood Insurance Study for Lyon County Unincorporated Areas, dated 9/15/2022
- Flood Insurance Rate Map panels enumerated below:
 - Lyon County panel 27083C0304E, dated 9/15/2022
 - Lyon County panel 27083C0305D, dated 11/26/2010
 - Lyon County panel 27083C0306D, dated 11/26/2010
 - Lyon County panel 27083C0307D, dated 11/26/2010
 - Lyon County panel 27083C0308E, dated 9/15/2022
 - Lyon County panel 27083C0309D, dated 11/26/2010
 - Lyon County panel 27083C0312E, dated 9/15/2022
 - Lyon County panel 27083C0316D, dated 11/26/2010
 - Lyon County panel 27083C0317D, dated 11/26/2010
 - Lyon County panel 27083C0330D, dated 11/26/2010

These materials are on file in the Office of the Zoning Administrator.

(c) **Districts**

- (1) **Floodway District.** Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 38-23(b).
- (2) **Flood Fringe District.** Those areas within Zones AE on the Flood Insurance Rate Maps referenced in Section 38-23(b), but located outside of the floodway, as well as those areas of 1% annual chance of flood with average depth less than one foot. This district also includes any additional area encompassed by the Regulatory Floodplain.
- (3) **General Floodplain District.** Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 38-23(b). This district also includes any additional area encompassed by the Regulatory Floodplain.

(d) **Annexations.** The Flood Insurance Rate Map panels referenced in Section 38-23(b) may include floodplain areas that lie outside of the corporate boundaries of the City of Marshall at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Marshall after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 38-23(b) require ordinance amendment in accordance with Section 38-34.

Section 38-24 Requirements for All Floodplain Districts

- (a) **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
- (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 38-32(a)(3).
 - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 38-22 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.
 - (3) The change or expansion of a nonconforming use.
 - (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
 - (6) The storage of materials or equipment, in conformance with Section 38-24(c)(2).
 - (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
 - (8) Any other type of “development,” as defined in Section 38-22 of this ordinance.
- (b) **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (c) **Minimum Development Standards.**
- (1) All development must:
 - a. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Be constructed with materials and equipment resistant to flood damage;
 - c. Be constructed by methods and practices that minimize flood damage;
 - d. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - e. Be reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area;
 - f. Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - g. Not be detrimental to uses in adjoining areas; and
 - h. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe**	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(1)a, via 38-26(3)d.2.
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(2)b, via 38-26(b)(3)d.3.
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(3)d.1.
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(2)c., via 38-26(b)(3)d.4.
Residential – on fill	Not allowed	Allowed with Permit	38-26(b)(1)a
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	38-26(b)(2)a or b via 38-26(d)(1)
Residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	38-26(d)(3)
Residential – Dry (watertight) Floodproofing	Not allowed	Only outside of 1% annual chance floodplain – with CUP	38-26(b)(2)c., via 38-26(d)(3)
Non-Residential – on fill	Not allowed	Allowed with Permit	38-26(b)(1)a, via 38-26(b)(2)a
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	38-26(b)(2)b
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	38-26(b)(2)c.
Non-residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	38-26(d)(3)

*Note – many of these standards are cross-referenced to avoid duplication

** Permit refers to a Building permit or Land Disturbance permit issued by the City of Marshall for related construction activity, or, when not required, a letter of approval from the Zoning Administrator.

Section 38-25 Floodway District

- (a) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 38-25(b), if allowed in the underlying zoning district:
- (1) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
 - (2) Roads, railroads, trails, bridges, and culverts.
 - (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
 - (4) Grading, filling, land alterations, and shoreline stabilization projects.
 - (5) No structures, as defined in Section 38-22, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 38-25(a)(1) and 38-25(c)(1), which require a CUP under Section 38-25(c)(2).
 - (6) Levees or dikes intended to protect agricultural crops for a flood event equal to or less than the 10-percent annual chance flood event.
- (b) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 38-24:
- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. As part of this demonstration, the applicant shall document that there will not be any stage increase through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering

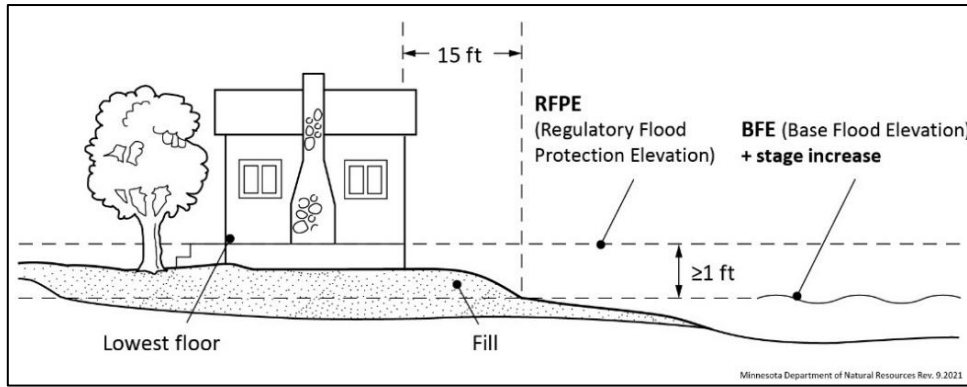
practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 38-31(a)(5) and 38-34.
 - (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 38-31(a)(5) and 38-34.
 - (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
 - (5) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.
- (c) **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 38-25(d) and 38-31(c), if otherwise allowed in the underlying zoning district:
- (1) Commercial extractive uses, and storage and stockpiling yards.
 - (2) Structures accessory to uses detailed in Sections 38-25(a)(1) and 38-25(c)(1).
- (d) **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 38-24, 38-25(b) and 38-31(c):
- (1) Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of Marshall.
 - (2) Accessory Structures. Structures accessory to the uses detailed in Sections 38-25(a)(1) and 38-25(c)(1) must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 38-26(b)(3) of this ordinance.

Section 38-26 Flood Fringe District

- (a) **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Section 38-26(b)(3), provided it does not constitute a public nuisance.
- (b) **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 38-24:
- (1) Residential Structures.
 - a. Elevation on Fill. All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 38-22 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 38-26(c)(2) of this ordinance (Figure 3).

Figure 3: Overview of fill standards for residential structures.



- (2) **Nonresidential Principal Structures.** Nonresidential principal structures must meet one of the following construction methods:
- Elevation on Fill.** Structures may be elevated on fill, meeting the standards in Section 38-26(b)(1)a of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
 - Alternative Elevation Methods.** Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill standards in Section 38-26(b)(1)a of this ordinance. Such methods include the use of blocks, pilings (Figure 4), filled stem walls (Figure 5), or internally-flooded enclosed areas (Figure 6) such as crawl spaces, attached garages, or tuck under garages.

Figure 4. Blocks or pilings

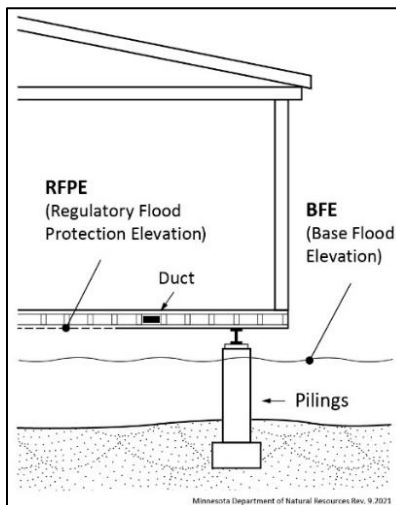


Figure 5. Filled stem wall

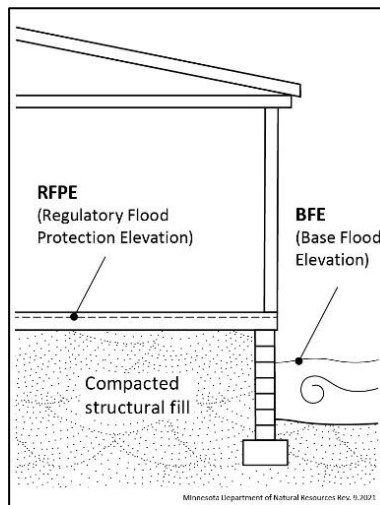
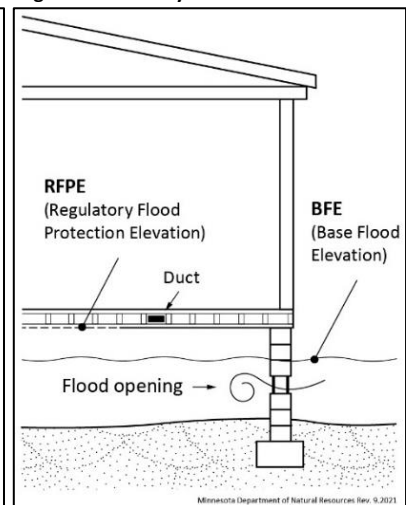


Figure 6. Internally flooded enclosed area



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

- The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.
 - To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Such areas shall be subject to a deed-restricted non-conversion agreement or periodic inspections with the issuance of any permit.
- c. **Dry Floodproofing.** Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

1. Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
2. Must meet the standards of FEMA Technical Bulletin 3, as amended; and
3. A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

(3) **Accessory Structures.** All accessory structures must meet the following standards:

- a. Structures shall not be designed or used for human habitation.
- b. Structures will have a low flood damage potential.
- c. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- d. Structures with two or more rigid walls, must meet one of the following construction methods:
 1. **Wet Floodproofing.** Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 2. **Elevation on Fill.** Structures may be elevated on fill, meeting the standards in Section 38-26(b)(1)a of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
 3. **Alternative Elevation Methods.** Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 38-26(b)(3)2., meeting the standards in Section 38-26(b)(2)b of this ordinance.
 4. **Dry Floodproofing.** Structures may be dry-floodproofed, or watertight, meeting the standards in Section 38-26(b)(2)c of this ordinance.

(4) **Fill.** The cumulative placement of fill or other materials for any purpose, up to 1,000 cubic yards, is permitted. Additional fill over 1,000 cubic yards is only permitted if the fill is specifically intended to elevate a structure in accordance with Section 38-26(b)(1) or 38-26(b)(2)a of this ordinance, or for a transportation project in accordance with Section 38-29(a). Fill over 1,000 cubic yards for purposes other than elevating a structure requires a conditional use permit as provided in Section 38-26(c)(2). Materials must be protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

(5) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of Marshall that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(6) Manufactured homes and recreational vehicles must meet the standards of Section 38-30 of this ordinance.

(c) **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 38-26(d) and 38-31(c), if otherwise allowed in the underlying zoning district:

- (1) **Alternative Elevation Methods – Residential Structures.** Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 38-26(b)(1).
- (2) **Fill.** The cumulative placement of more than 1,000 cubic yards of fill or other materials, when the fill is not being used to elevate a structure or for a transportation project in accordance with Section 38-29(a).
- (3) **Basement construction below the Regulatory Flood Protection Elevation (RFPE).**

(d) **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 38-24, 38-26(b) and 38-31(b):

- (1) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards for nonresidential structures in Section 38-26(b)(2)a or (b)(2)b of this ordinance.
- (2) The placement of more than 1,000 cubic yards of fill or other materials (other than for the purpose of elevating a structure to the RFPE) must comply with a site development and restoration plan approved by the Zoning Administrator. The plan must detail the anticipated topographic alterations and identify actions to be taken to mitigate environmental impacts, particularly erosion.
- (3) With the exception of non-residential, dry-floodproofed structures detailed in Section 38-26(b)(2)c, all basement construction below the Regulatory Flood Protection Elevation (RFPE) within the one-percent annual chance floodplain is prohibited. Basements may be permitted in structures outside the one-percent annual chance floodplain but within the regulatory floodplain, however, such spaces must be protected at least as high as the Regulatory Flood Protection Elevation, and must be built according to one of the following construction methods:
 - a. meeting the basement construction guidance in guidance in FEMA Technical Bulletin 10-01, or
 - b. meeting the dry-floodproofing standards for non-residential structures detailed in Section 38-26(b)(2)c.

Section 38-27 General Floodplain District

(a) Permitted Uses in General Floodplain District

- (1) The uses listed in the Floodway District, Section 38-25, of this ordinance are allowed . Development is also subject to the standards provided in this section.
- (2) All other uses are subject to a floodway/flood fringe determination as provided in Section 38-27(d), in addition to the standards provided in this section. Permitted uses shall be determined as follows:
 - a. If the development is determined to be in the Floodway District, Section 38-25 applies.
 - b. If the development is determined to be in the Flood Fringe District, Section 38-26 applies.

(b) Standards for Determining Flood Elevations

- (1) All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
- (2) The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

(c) Encroachment Analysis

- (1) Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

(d) Standards for the Analysis of Floodway Boundaries

- (1) Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:
 - a. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

- b. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.
- (2) Other Acceptable Methods. For areas where a detailed study is not available or required:
 - a. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

Section 38-28 Subdivision Standards

- (a) **Subdivisions.** All subdivisions must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
 - (1) No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, specifically:
 - a. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the Regulatory Flood Protection Elevation (RFPE); and
 - b. The subdivision must be designed to provide adequate drainage to reduce exposure to flood hazards within the development and not increase runoff to adjoining areas.
 - (2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of Marshall.
 - (3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of Marshall.
 - (4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

Section 38-29 Railroads, Roads, Bridges, and Public And Private Utilities And Service Facilities

- (a) **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.
- (b) **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- (c) **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 38-29(b). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

Section 38-30 Manufactured Homes and Recreational Vehicles

- (a) **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
 - (1) New and replacement manufactured homes must be placed and elevated in compliance with Section 38-26 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (2) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 38-28 of this ordinance.
- (b) **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:
 - (1) Meet the requirements for manufactured homes in Section 38-30(a), or
 - (2) Be travel ready, meeting the following criteria:
 - a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
 - d. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 38-24 and 38-26(b)(3).

Section 38-31 Administration

- (a) **Duties.** A Zoning Administrator or other official designated by the Zoning Administrator must administer and enforce this ordinance.
 - (1) **Permit Application Requirements.** Building or Land Disturbance permit applications may be accepted. The permit application required by this Ordinance must include the following, as applicable:
 - a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - b. Location and detail of grading, fill, or storage of materials.
 - c. Copies of any required local, state or federal permits or approvals.
 - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - (2) **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - a. All certifications for dry floodproofing and alternative elevation methods, where applicable.
 - b. Analysis of no-rise in the Floodway District, as detailed in Section 38-25(b)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 38-27(b)(2) and (c)(1).
 - c. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - d. Substantial damage and substantial improvement determinations, as detailed in Section 38-32(a)(3), including the cost of improvements, repairs, and market value.
 - e. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
 - (3) **Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.** No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance. Issued Building or Land Disturbance permits may be accepted.
 - (4) **Notifications for Watercourse Alterations.** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

- (5) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Marshall must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(b) Variances

- (1) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
- (2) Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances may only be issued by a community upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance in writing that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (5) Considerations for Approval. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplain districts:
 - a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (6) Conditions of Approval. The City of Marshall may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - a.
 - b. Imposition of operational controls, sureties, and deed restrictions.
 - c. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - d. Other conditions as deemed appropriate by the Zoning Administrator, planning commission and city council.

(c) Conditional Uses.

- (1) Administrative Review. An application for a conditional use permit will be processed and reviewed in accordance with Minnesota Statutes, section 462.3595 and the provisions in this ordinance.

- (2) Considerations for Approval. In passing upon conditional use applications, the City of Marshall must consider all relevant factors specified in other sections of this ordinance, including those detailed in Section 38-31(b)(5).
- (3) Conditions of Approval. In addition to the standards identified in Sections 38-25(d) and 38-26(d), the City of Marshall may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance, including those detailed in Section 38-31(b)(6).

(d) **Notifications to the Department of Natural Resources.**

- (1) All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

Section 38-32 Nonconformities

- (a) **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
 - (1) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 38-27(c), or when the floodway has not been delineated), expansion or enlargement of uses or structures is prohibited.
 - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 38-32(b), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, as detailed in Section 38-23(a)(3), are exempt from this provision.
 - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- (b) **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or restoration of a substantially damaged structure. A determination must be made in accordance with the following procedures:
 - (1) Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration are made.
 - (2) Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - a. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - b. Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
 - (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or restoration of a substantially damaged structure, as defined in Section 38-22 of this ordinance.
 - a. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

- b. If any nonconforming structure experiences a repetitive loss, as defined in Section 38-22 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.
- (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or intended to be substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

Section 38-33 Violations and Penalties

- (a) **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (b) **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Marshall or the Department of Natural Resources.
- (c) **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of Marshall must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Section 38-34 Amendments

- (a) **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 38-23(b) of this ordinance.
- (b) **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 23rd day of August, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Summary Ordinance Introduced on: July 26, 2022

Ordinance Introduced on: July 26, 2022

Final Passage on: August 23, 2022

Summary Ordinance Published in the Marshall Independent: _____

August 16, 2022

The Honorable Robert J. Byrnes
Mayor, City of Marshall
344 West Main Street
Marshall, MN 56258

CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

Dear Mayor Byrnes,

On behalf of the Department of Natural Resources (DNR), I am writing to conditionally approve the City of Marshall's draft floodplain management ordinance.

We received a draft of the city's floodplain management ordinance via email on August 11, 2022 from City Engineer, Jason Anderson. The ordinance is being amended to incorporate the updated Flood Insurance Rate Map panels and accompanying Flood Insurance Study, with an effective date of September 15, 2022.

We will provide final approval of the city's draft ordinance once the following conditions have been met:

- **Revise the draft ordinance to address the comments for Table 1 in the attached ordinance.**
- **Submit one (1) copy each of following materials to the DNR no later than September 13, 2022:**
 - **the adopted ordinance incorporating the edits noted above (signed and stamped with the community seal),**
 - **the affidavit of publication, and**
 - **the completed "Ordinance Certification Checklist" (enclosed).**

Please forward the documents listed above to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul, via email to ceil.strauss@state.mn.us. Upon receipt and verification, Ms. Strauss will transmit a copy of these materials to Mr. Brian Killen at FEMA's Chicago Regional Office.

Though FEMA must receive a signed, certified, and effective ordinance no later than September 15, 2022, we request that you submit the materials noted above to the DNR **no later than September 13, 2022** to accommodate processing. ***If FEMA has not received the documentation by the map effective date, FEMA will suspend the City from the National Flood Insurance Program.***

Be advised that any future amendments of this ordinance or change in the designation of flood prone areas require prior DNR approval. In addition, you are required to send copies of hearing notices and final decisions pertaining to variances, conditional uses, and ordinance amendments to this agency. Those notices may also be sent to State NFIP Coordinator Ceil Strauss at the address below. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or at the e-mail provided above.

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day to day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Kyle Jarcho, who can be contacted at (507) 537-7258, or kyle.jarcho@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox
Land Use Unit Supervisor

Enclosures: Marshall Draft Floodplain Ordinance with DNR comments
 Ordinance Processing Checklist

c: Jason Anderson, City Engineer – City of Marshall
 Korey Woodley, DNR EWR Regional Manager
 Jim Sehl, DNR EWR District Manager
 Kyle Jarcho, DNR Area Hydrologist
 Ceil Strauss, DNR NFIP Coordinator

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	AWARD OF BIDS
Type:	INFO/ACTION
Subject:	Authorization to Purchase Trees for Parks Department as part of 2021 Preparing for EAB Grant
Background Information:	<p>As Emerald Ash Borer continues to get closer to Marshall and it's potentially devastating change to the landscape of Marshall, the city needs to be prepared for the potential costs associated with removing Ash Trees as well as continue to plant new trees to allow them time to grow before EAB get to Marshall, helping us diversify our trees species and populations.</p> <p>In the fall of 2021, a grant was received thru the MN DNR to provide \$93,390 in funding to be used for removing Ash trees in our parks and replacing each Ash tree with 2 new trees. The first step of this grant we removed 113 ash trees from the parks Independence, Legion Field, Victory, Freedom, and Channel Parkway Softball Complex.</p> <p>The next step to fulfill this grant is to purchase and plant 226 new trees in these parks this fall. 4 vendors were offered the opportunity to bid providing these trees and 2 bids were received.</p> <p>This grant requires a 25% match via cash match (\$15,090) and/or in-kind match (\$8,960) bringing the total project to \$117,440.00 and the City's contribution to \$24,050. The project deadline for completion is June 30, 2023.</p> <p>All expenses for the project will need to be paid by the city and then reimbursed by the MN DNR.</p> <p>Total cost to purchase these 226 trees is \$49,960.00 from Greenwood Nursery including a 2-year warranty. Parks staff will plant, mulch, fertilize, and water the trees as part of our in-kind match.</p>
Fiscal Impact:	\$49,960.00 is current total cost per attached bids. This will be paid out of Parks Department Budget 101-45200-53425 and the city being reimbursed by MN DNR according to the grant agreement.
Alternative/Variations:	N/A
Recommendations:	Authorization to purchase 226 new trees for the Parks Department as part of the MN DNR 2021 Preparing for EAB Grant from Greenwood Nursery.

ESTIMATE WORK SHEET

NAME Marshall Parks - Preston Stensrud		PHONE 401-6841 cell 537-6786 office
ADDRESS		ESTIMATE NO.
DIRECTIONS		TYPE OF WORK Tree Estimate for fall of 2022
DATE 8/4/2022	ESTIMATED BY Jeff	EMAIL preston.stensrud@ci.marshall.mn



Greenwood N

TRACY STORE
611 S. 4th Street Tracy, MN 56175
(507) 629-3485

MARS
2705 Cty. Road
(50'

[illegible]



Item 4.

Fall

Name Marshall Parks Date 8-8-22
 Street 400 W College Dr
 Post Office Marshall State _____ Zip _____ Telephone Preston Stensrud
537-6786
401-6841

I have this day bought of the
REDWOOD FALLS NURSERY, INC.

PO BOX 304, REDWOOD FALLS, MINNESOTA 56283 • PHONE 507-637-8615 • FAX 507-637-5868

when goods are: ☐ delivered ☐ planted ☐ called for

All nursery stock sold by the Redwood Falls Nursery, Inc. is guaranteed to grow for 12 months from date of purchase. Plants which fail to grow will be replaced free of charge provided they have been given proper care, and in the absence of other agreement, the account is paid in full. Requests for replacements must be accompanied by a sales slip. Guarantee does not apply to annuals, perennials, or tender roses. Under no circumstances can the Redwood Falls Nursery, Inc. be held liable for more than the purchase price of the affected plants. A finance charge is computed on the balance due at a periodic rate of 1 1/2 % (annual percentage rate of 18%) and is added to the amount over 30 days.

Redwood Falls Nursery will call Gopher-One utility locate service and have all public utilities located and marked when necessary. Customer's private utilities (sprinkler systems, dog fences, outdoor lighting cables, etc.) is the customer's responsibility. Redwood Falls Nursery IS NOT responsible/liable for damages to these lines, wires and components.

Quantity	Size or Grade	Variety	Unit Price	Total Price
	#101"	Whitespire Birch	19500	
	"	Triumph Elm	21000	
	"	Princeton Elm	21000	
	"	Hackberry	20000	
	"	Kentucky Coffeetree	11000	
	"	Frontyard Linden	21000	
	"	Greenspire Linden	21000	
	"	Redwood Linden	21000	
	"	Skyline Hovest	19500	
	"	Sunburst Hovest	21000 19500	
	"	Burr Oak	23500	
	"	Pin Oak	23500	
	"	Quaking Aspen	20500	
	"	Glabrata Crab	20500	
	"	Fraxinea Crab	18000	
	"	Spring Snow Crab	18000	
PLANTING			MATERIALS	
EDGING INSTALLATION			SALES TAX	
ROCK & FABRIC INSTALLATION			LABOR	
			TOTAL	
			DOWN PAYMENT	
			TOTAL DUE	

#25/Tree

Item 4.

Seller preston.stensrud@ci.marshall.mn.us Purchaser's Signature _____

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Spring

Date 8-8-22

Name Marshall Parks

Street 400 W College Dr

Post Office Marshall

State

Zip

Telephone

Preston Stensrud
537-6786

401-6841

I have this day bought of the
REDWOOD FALLS NURSERY, INC.

PO BOX 304, REDWOOD FALLS, MINNESOTA 56283 • PHONE 507-637-8615 • FAX 507-637-5868

when goods are: ☐ delivered ☐ planted ☐ called for

All nursery stock sold by the Redwood Falls Nursery, Inc. is guaranteed to grow for 12 months from date of purchase. Plants which fail to grow will be replaced free of charge provided they have been given proper care, and in the absence of other agreement, the account is paid in full. Requests for replacements must be accompanied by a sales slip. Guarantee does not apply to annuals, perennials, or tender roses. Under no circumstances can the Redwood Falls Nursery, Inc. be held liable for more than the purchase price of the affected plants. A finance charge is computed on the balance due at a periodic rate of 1 1/2 % (annual percentage rate of 18%) and is added to the amount over 30 days.

Redwood Falls Nursery will call Gopher-One utility locate service and have all public utilities located and marked when necessary.

Customer's private utilities (sprinkler systems, dog fences, outdoor lighting cables, etc.) is the customer's responsibility.

Redwood Falls Nursery IS NOT responsible/liable for damages to these lines, wires and components.

Quantity	Size or Grade	Variety	Unit Price	Total Price
	#25 8'	Whitespire Birch	380 00	
	#25 1 1/2'	Triumph Elm	450 00	
		Princeton Elm	450 00	
		Hackberry	380 00	
		Kentucky Coffeetree	380 00	
		Frontyard Linden	380 00	
		Greenspire Linden	380 00	
		Redmond Linden	380 00	
		Skyline Locust	445 00	
		Sunburst Locust	445 00	
		Burr Oak	460 00	
		Pin Oak	460 00	
		Quaking Aspen	375 00	
		Glaucous Crab	290 00	
		Frederick Crab	290 00	
		Spring Snow Crab	290 00	
PLANTING			MATERIALS	
EDGING INSTALLATION			SALES TAX	
ROCK & FABRIC INSTALLATION			LABOR	
			TOTAL	
			DOWN PAYMENT	
			TOTAL DUE	

Item 4.

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Seller

Purchaser's Signature

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce.
Background Information:	Attached is an application for a Temporary On-Sale Liquor License for the MACC to use at Kruse Motors for a Business After Hours event, 1661 E College Dr., Sept 6, 2022.
Fiscal Impact:	\$30.00/day
Alternative/ Variations:	None recommended
Recommendations:	To approve a Temporary On-Sale Liquor License for the MACC to use at Kruse Motors for a Business After Hours event, 1661 E College Dr., Sept 6, 2022.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 222, St. Paul, MN 55101
651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization	Date organized	Tax exempt number	
Marshall Area Chamber of Commerce	2-11-1930		
Address	City	State	Zip Code
317 W. Main St.	Marshall	MN	56258
Name of person making application	Business phone	Home phone	
Desiree Petrich	507-532-4484		
Date(s) of event	Type of organization		
September 6 th	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
Brad Girshot, Board President/Chair	Marshall	MN	56258
Organization officer's name	City	State	Zip Code
		MN	
Organization officer's name	City	State	Zip Code
		MN	
Organization officer's name	City	State	Zip Code
		MN	

Location where permit will be used. If an outdoor area, describe.

Kruse Motors - 1601 E. College Dr. Marshall MN, 56258

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

NO

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

NO

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Marshall City or County approving the license	Date Approved
\$30.00 Fee Amount	9-6-2022 Permit Date
8-11-22 Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a Temporary On-Sale Intoxicating Liquor License for Marshall Area Chamber of Commerce Taste of Marshall Event.
Background Information:	Attached is an application for a Temporary On-Sale Liquor License for the MACC to use at the Red Baron Arena, 1651 Victory Dr., October 10, 2022.
Fiscal Impact:	\$30.00/day
Alternative/ Variations:	None recommended
Recommendations:	To approve a Temporary On-Sale Liquor License for the MACC to use at the Red Baron Arena for a Taste of Marshall Event, 1651 Victory Dr., October 10, 2022.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 222, St. Paul, MN 55101
651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization <u>Marshall Area Chamber of Commerce</u>		Date organized <u>2-11-1930</u>	Tax exempt number <u>[REDACTED]</u>
Address <u>317 W. Main St.</u>		City <u>Marshall</u>	State <u>MN</u>
Zip Code <u>56258</u>		Name of person making application <u>Desiree Petrich</u>	
Business phone <u>507-532-4484</u>		Home phone <u></u>	
Date(s) of event <u>10/10/22</u>	Type of organization <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit		
Organization officer's name <u>Brad Gruhot / President / Chair</u>	City <u>Marshall</u>	State <u>MN</u>	Zip Code <u>56258</u>
Organization officer's name <u></u>	City <u></u>	State <u>MN</u>	Zip Code <u></u>
Organization officer's name <u></u>	City <u></u>	State <u>MN</u>	Zip Code <u></u>
Organization officer's name <u></u>	City <u></u>	State <u>MN</u>	Zip Code <u></u>

Location where permit will be used. If an outdoor area, describe.

Red Barron Arena 1651 Victory Dr. Marshall MN 56258

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

NO

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

NO

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license <u>City of Marshall</u>	Date Approved <u>10-10-2022</u>
Fee Amount <u>\$30.00</u>	Permit Date <u></u>
Date Fee Paid <u>8-11-22</u>	City or County E-mail Address <u></u>
	City or County Phone Number <u></u>

Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consideration of temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 9-10, 2022
Background Information:	<p>Attached is an application for the Hop Fest Celebration to be held at Brau Brothers Brewing Company on September 9-10, 2022. The current alcohol license approved by the City and State is for a taproom and identifies the area to include the inside of the brewery and the exterior areas under the overhangs.</p> <p>The State does allow the City to allow for a temporary extension of the designated area if they are contiguous with the other areas of the license holder. The City has complete discretion of any approval or conditions that may be applied as determined necessary.</p>
Fiscal Impact:	None
Alternative/ Variations:	Propose any conditions or changes as may be determined necessary to ensure the compliance to public sanitation, safety or peace.
Recommendations:	To approve the temporary extension of alcohol license area for Brau Brothers Brewing Company, 1010 East Southview Drive for Hop Fest on September 9-10, 2022

TEMPORARY EXTENSION OF ALCOHOL LICENSE AREA APPLICATION

City of Marshall ~ 344 West Main Street ~ Marshall MN 56258

Phone (507) 537-6763 ~ Fax (507) 537-6830

1. Title, Purpose and Brief Description of Event:

Name and Type of Event: Hopfest 2022

Location: Brau Brothers Brewing 1010 E. Southview

Date: Sept 9-10, 2022

Description: Beer & Music Festival. Live Bands, Food, Music

2. Applicant Authorization:

Attach a written communication from the organization in whose name the event will be advertised which authorized you, the applicant, to apply for this special event permit on its or their behalf.

Applicants Name and Title: Brau Brothers Brewing Co. LLC

Address: 1010 E. Southview Dr. 56258

Affiliation: Brewery

Contact Information: Ph: [REDACTED]

3. Requested Event Components:

Dates of Event: Sept. 9 - 10, 2022

Requested Hours of Operation: 6-midnight Friday, noon-midnight Sat.

Anticipated Number of Participants: 3,000

4. Insurance

Attached a certificate of insurance

5. Sanitation - Plan for Clean-up/Material Preservation.

Number, type and location of trash containers to be provided for the event: _____

Rent main dumpster & 15 additional garbages

Number, type and location of portable (or permanent) to be used for this event: _____

3 Portable toilets & brewery bathrooms

Other plans insurance post-event cleanliness and material preservation of premises and parking lot: Festival area is cleaned nightly

6. Location Map:

Indicate items on attached maps:

- a. Entertainment Locations
- b. Alcoholic beverage concessions areas
- c. Portable toilet facilities (number 3)
- d. Event participant parking areas
- e. Temporary or permanent structures constructed for the event
- f. Site of electrical wiring to be installed for the event
- g. Trash containers (number 15)
- h. Other. _____

7. Availability of Food, Beverage and Entertainment:

Food and/or non-alcoholic beverages to be served: Yes ☒ No

If yes, you made to have a health permit issued from the State of Minnesota Department of Health.

If music, sound amplification or any other noise impact please describe, included the intended hours: Live music 6-midnight on Friday & noon-midnight on Saturday

8. Security and Safety Procedures

Describe proposed procedures for set up, operation, internal security and crowd control.

Festival Area is roped off. Certain staff designated as Security.

Will the event take place at night? ☒ Yes ☐ No

If yes, how will you light the event area in order to increase the safety or participants coming to and leaving the event. Parking lot lights & additional lighting in tent areas.

Attached a copy of any permits obtained regarding the installation of any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures.

Attach a copy of any obtained permits from the Fire Department.

Attach a list of names, address and contact information of the agency or agencies, which will provide first aid staff and equipment.

9. Vendors or Concessionaires

List each vendor or concessionaire that will be allowed in conjunction with the event.

Attach a separate form if necessary.

none

10. Services/Equipment

List (if any) city services and/or equipment that is being requested for this event.

Stage

11. Other Information

Very similar to previous years

(X or N/A, not applicable) – (City Use)

- ____ 1. Final check has been made of application requirements.
- ____ 2. Event is approved by City Administrator.
- ____ 3. All required permits are issued and on file.
- ____ 4. Insurance certificate is on file.
- ____ 5. Application is complete.
- ____ 6. Special conditions are attached: #____.

REVOCATION: The City Administrator, or her or his designated official, may revoke a special event permit if the conditions set forth in the permit application are not being followed.

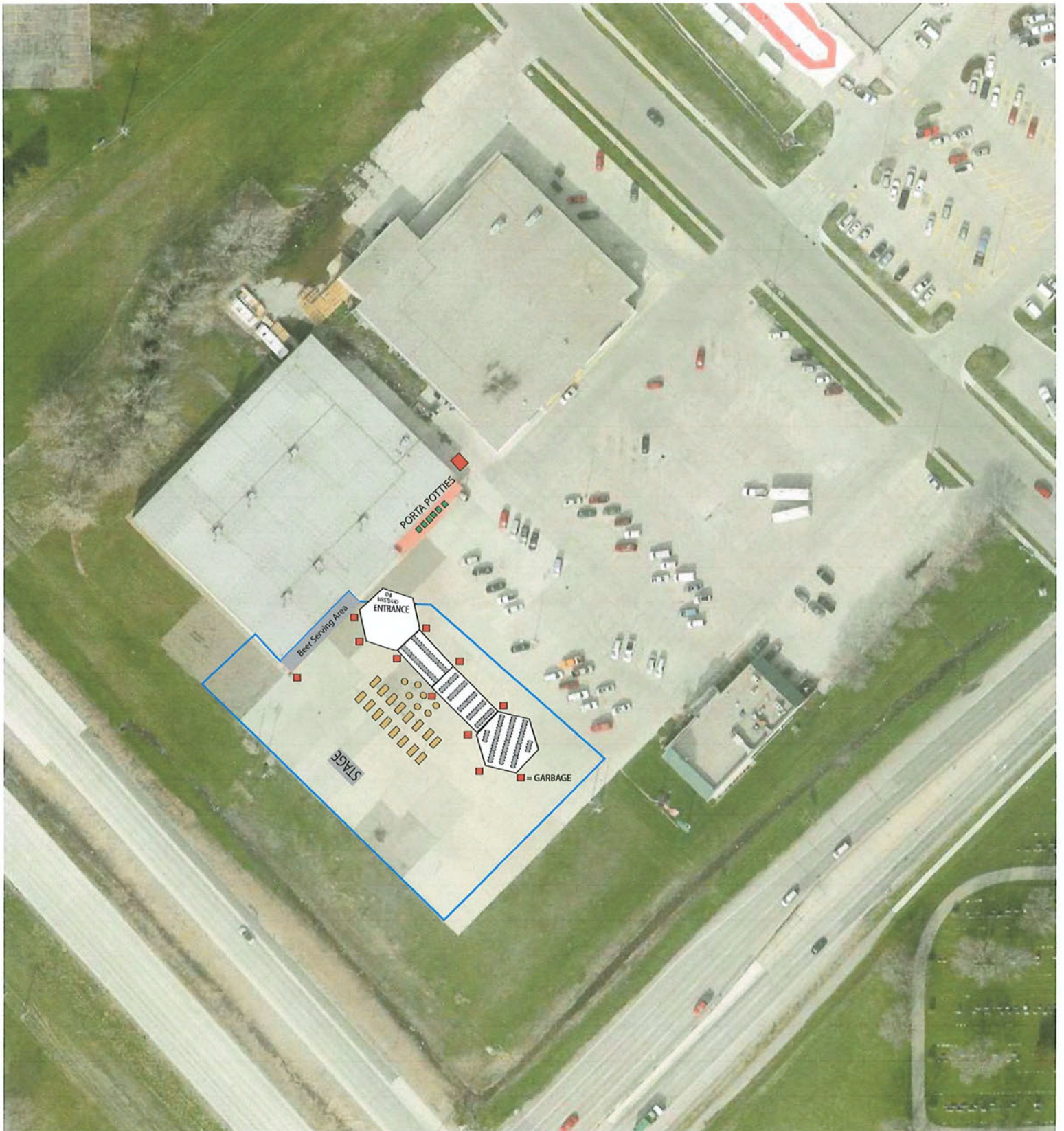
Permit is hereby revoked

Signature/Title

Date/Time

DEPARTMENT DUE DATE: _____

Within ten (10) working days of the routing date of this application, please review it and notify the City Administrator of any difficulties expected to be caused by the proposed event. Otherwise, the application will be approved by default. Return to City Clerk.



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of On-Sale Intoxicating Liquor License and Sunday On-Sale for Knochenmus Enterprises, LLP
Background Information:	Knochenmus Enterprises, LLP is seeking approval of an On-Sale Intoxicating Liquor License and Sunday On-Sale. Both licenses will be transferred from the current license holder, Bello Cucina of Marshall Inc., dba Bello Cucina.
Fiscal Impact:	\$3,200
Alternative/ Variations:	
Recommendations:	Approve an On-Sale Intoxicating Liquor License and Sunday On-Sale to Knochenmus Enterprises, LLP pending all requirements are met with the City Clerk.



Intoxicating Liquor License Application

License Period From: _____ To: _____

Receipt Number: 02007907 Amount Paid: \$3,800

If applicant is an individual, it shall be completed by such person; if a corporation, by an officer; if a partnership, by one of the general partners; if an unincorporated association, by the manager or managing officer.

1.

☒ New Application

☐ Renewal Application

Type of License (Select all that apply)

Fee

☒ On-Sale Liquor

\$3,000.00

☒ On-Sale Sunday

\$200.00

☐ On-Sale 3.2 % Malt Liquor

\$250.00

☐ Off-Sale 3.2 % Malt Liquor

\$90.00

☐ Brewer Taproom

\$500.00

☒ Wine

\$600.00

☐ Club License

\$275.00

2.

Type of applicant

☐ Individual

☐ Corporation

☐ Club

☒ Partnership

☐ Other organization

3.

Legal name of licensee (individual, partnership, corporation, organization or club) Knochenmus Enterprises, LLC

Address PO Box 1083 Marshall, MN 56258 Phone 507-337-6909

700 Street W college City State Zip

4.

Business name Knochenmus Enterprises, LLC Phone 507-337-6909

Address PO Box 1083 Marshall, MN 56258

Street City State Zip

5.

Minnesota Business Tax ID Number (Per Minnesota Statute Section 270C.72) [REDACTED]

Federal Business Tax ID Number [REDACTED]

Individual - Social Security Number: [REDACTED]

6.

Proof of Workers' Compensation Insurance Coverage

Insurance company name _____ Dates of coverage _____

Policy number/Self-insurance permit number (Per Minnesota Statute Section 176.182) _____

I am not required to have workers' compensation liability coverage because

☒ I have no employees covered by the law ☐ Other (Specify on an attached document.)

Section 1: Building/premises

All applicants complete this section.

7.

Since the license was last issued, have there been any changes in the ownership of the building where the licensed establishment is located?

☒ Yes ☐ No

If yes:

Building owner Knochenmus Enterprises, LLC Phone 507-337-6909

Business address PO Box 1083 Marshall MN 56258

Street City State Zip

Intoxicating Liquor License Application

8. Describe any changes or additions since the last renewal in the serving areas for intoxicating liquor and/or wine.
Attach a drawing, if necessary.

9. Are any of the following taxes or charges for the licensed premises unpaid or delinquent?

State sales taxes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State withholding taxes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Real estate taxes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Special assessments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	City utility bills	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

10. During the past license year, has a summons been issued under the Liquor Civil Liability (Dram Shop) Law? If yes, *attach a copy of the summons pursuant to Minnesota State Statute 340A.802.* ☐ Yes ☒ No

11. Are there any changes in (a) finance or interest in premises; (b) contracts between the applicant and any persons, partnerships, corporations; or (c) any new loans since the license was last issued? If yes, *explain.* ☐ Yes ☒ No

Complete only if you intend to apply for an Under 21 Exemption Permit

12. What were combined sales of food, including non-alcoholic beverages, and alcoholic beverages for the most recent fiscal year ending prior to this application?
 Fiscal year from _____ to _____:

	Gross sales	Percentage
Food	_____	_____
Liquor/wine/beer	_____	_____
Total	_____	100%

Section 2: Employees

All applicants complete this section.

13. General manager, proprietor, food/beverage manager, managing partner, or any individual in charge of the licensed premises.

Full name <u>Mike Benson</u>	Position <u>General Manager</u>
Residence address _____	Phone _____

Full name <u>Ronnie Walker</u>	Position <u>Partner</u>
Residence address _____	Phone _____

Full name _____	Position _____
Residence address _____	Phone _____

14. Does the current manager have management duties at any other establishment? ☒ Yes ☐ No
If yes, list name and address of establishment.

Balaton Bay Golf Course

15. Do you provide alcohol awareness training for your staff on responsible alcohol service techniques? ☒ Yes ☐ No
If yes, how often is training provided and who provides training?

Annually

Intoxicating Liquor License Application

Section 3: Type of applicant

Complete only one number in this section. Refer to question 2 for type of applicant.

16. **Partnership** If applicable, complete this question for general and limited partners.

Name See attached Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip
 Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip
 Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip

17a. **Corporation/club/other organization officers**

Attach a list of directors and stockholders and, if applicable, complete question 17a and 17b.

President

Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip

Vice President

Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip

Secretary

Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip

Treasurer

Name _____ Phone _____
 Last First Middle
 Residence address _____
 Street City State Zip

17b. **Are you a Minnesota corporation?**

☐ Yes ☒ No

If no:

Statutory agent _____ Phone _____
 Residence address _____
 Street City State Zip

Intoxicating Liquor License Application

Section 4: Wine licenses

Complete this section if applying for a wine license.

18. Are you currently licensed in Marshall for the on-sale of 3.2 percent malt liquor?
If yes, do you plan to sell strong beer at this location? ☐ Yes ☒ No
☐ Yes ☒ No

Section 5: Brewer Taproom

Complete this section if applying for Taproom License.

19. Are you a holder of a Brewer's License under Minnesota Statute 340A.301, subd. 6, clause c, l or j? ☐ Yes ☒ No
20. Are you a brewer that brews more than 250,000 barrels of malt liquor annually? ☐ Yes ☒ No
21. Will you require a license for Growlers? ☐ Yes ☒ No

Section 6: Cater

All applicants complete this section.

22. Are you currently licensed to cater food? ☒ Yes ☐ No
If yes, is this business also licensed to cater alcohol? ☒ Yes ☐ No

Notice and notarized signature

The data on this form will be used to approve your license. Some requested data is private. Private data is available to you and the City or State staff who need this information to perform their duties but is not available to the public. You are not legally required to provide this data, but the City may not be able to approve your license if you do not provide it.

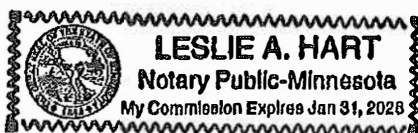
I have received from the City of Marshall a copy of *Marshall City Code, Chapter 6* (Alcoholic Beverage) and will familiarize myself with the provisions contained within them.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers on this application will result in denial of the application. I authorize the City of Marshall to investigate and make whatever inquiries that are necessary to verify the information provided.

x Bernard
Applicant signature

Subscribed and sworn to before me, a
Notary Public, on this 10th day
of August 20 22
Commission expires on Jan. 31, 2024

Leslie A. Hart
Notary signature



Office of City Clerk
344 West Main Street
Marshall, Minnesota 56258-1313
(507) 537-6775
www.ci.marshall.mn.us

Partners:

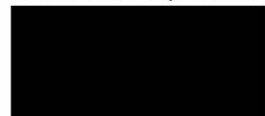
Knochenmus, Jon Kent



Knochenmus, Lanita Lorraine



Knochenmus, Brian Jon



Knochenmus, Mindy K.



Knochenmus, Tamar Noel



Wing, Douglas M.



Wing, Andrea Knochenmus



8-12-22

MPP Records - Negative Contact for all parties.

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a Temporary On-Sale Liquor License for the Marshall Area YMCA
Background Information:	Attached is an application for a Temporary On-Sale Liquor License for the Marshall Area YMCA for an event to be held on September 13, 2022.
Fiscal Impact:	\$30.00/day
Alternative/ Variations:	None recommended.
Recommendations:	To approve a Temporary On-Sale Liquor License for the Marshall Area YMCA for an event to be held on September 13, 2022.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 222, St. Paul, MN 55101
651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization Marshall Area YMCA		Date organized 6-1-01	Tax exempt number [REDACTED]
Address 200 South A. St.	City Marshall	State MN	Zip Code 56258
Name of person making application Katie Serbus		Business phone 5075329622	Home phone 7634865398
Date(s) of event September 13 th , 2022	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input checked="" type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit		
Organization officer's name Tom Bolin	City Marshall	State MN	Zip Code 56258
Organization officer's name Jessica Dahms	City Marshall	State MN	Zip Code 56258
Organization officer's name	City	State MN	Zip Code
Organization officer's name	City	State MN	Zip Code

Location where permit will be used. If an outdoor area, describe.

Multi-purpose room @ the YMCA

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

0

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

West Bend/Bremer Insurance

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number

Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BY EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval for a LG214 Premises Permit Application for the Marshall Baseball Association
Background Information:	Attached is an application for a Premises Permit for the Marshall Baseball Association to conduct off-site gambling at the Hitching Post Eatery & Saloon. An LG215 Lease for Lawful Gambling Activity lease has been properly executed and received by the City.
Fiscal Impact:	No City fee for this permit.
Alternative/ Variations:	None recommended.
Recommendations:	BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to Marshall Baseball Association to conduct off-site gambling, at the Hitching Post Eatery & Saloon, Marshall Minnesota, (2) acknowledges the receipt of LG214 Premises Permit Application, (3) acknowledges receipt of LG215 Lease for Lawful Gambling Activity, (4) waives the 30-day waiting period, and (5) authorizes and directs the appropriate City personnel to compete and sign the LG214 Premises Permit Application on behalf of the City of Marshall.

LG214 Premises Permit Application**Annual Fee \$150 (NON-REFUNDABLE)****REQUIRED ATTACHMENTS TO LG214**

1. If the premises is leased, attach a copy of your lease. Use **LG215 Lease for Lawful Gambling Activity**.
2. \$150 annual premises permit fee, for each permit (non-refundable).
Make check payable to "**State of Minnesota**."

Mail the application and required attachments to:Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113**Questions?** Call 651-539-1900 and ask for Licensing.**ORGANIZATION INFORMATION**Organization Name: Marshall Baseball AssociationLicense Number: 05765Chief Executive Officer (CEO) Kelly LoftDaytime Phone: 929-476-8191Gambling Manager: Russell SanowDaytime Phone: 507-828-4647**GAMBLING PREMISES INFORMATION**Current name of site where gambling will be conducted: Hitching Post Eatery & SaloonList any previous names for this location:

Street address where premises is located: 1104 East Main

(Do not use a P.O. box number or mailing address.)

City: **OR** Township:

County:

Zip Code:

Marshall

Lyon

56258

Does your organization own the building where the gambling will be conducted?

☐

Yes

☒

No

If no, attach LG215 Lease for Lawful Gambling Activity.

A lease is not required if only a raffle will be conducted.

Is any other organization conducting gambling at this site?

☐

Yes

☒

No

☐

Don't know

Note: Bar bingo can only be conducted at a site where another form of lawful gambling is being conducted by the applying organization or another permitted organization. Electronic games can only be conducted at a site where paper pull-tabs are played.

Has your organization previously conducted gambling at this site?

☐

Yes

☒

No

☐

Don't know

GAMBLING BANK ACCOUNT INFORMATION; MUST BE IN MINNESOTABank Name: Bremer Bank NABank Account Number: [REDACTED]Bank Street Address: 208 East College DrCity: MarshallState: **MN**Zip Code: 56258**ALL TEMPORARY AND PERMANENT OFF-SITE STORAGE SPACES**

Address (Do not use a P.O. box number):

City:

State: Zip Code:

804 West College Dr Unit 121Marshall**MN**56258**MN****MN**

ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: <u>Marshall</u>	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> Local unit of government must sign. </div>	TOWNSHIP NAME: _____ Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.) Print Township Name: _____ Signature of Township Officer: _____ Title: _____ Date Signed: _____

ACKNOWLEDGMENT AND OATH

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises. 2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law. 3. I have read this application and all information submitted to the Board is true, accurate, and complete. 4. All required information has been fully disclosed. 5. I am the chief executive officer of the organization. | <ol style="list-style-type: none"> 6. I assume full responsibility for the fair and lawful operation of all activities to be conducted. 7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them. 8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect. 9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license. 10. I understand the fee is non-refundable regardless of license approval/denial. |
|--|---|

Signature of Chief Executive Officer (designee may not sign)	Date

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public	information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;	Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.
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This form will be made available in alternative format, i.e. large print, braille, upon request.

RESOLUTION NO. 22-069

RESOLUTION APPROVING A LAWFUL GAMBLING PREMISES PERMIT

WHEREAS, the City Council of the City of Marshall allows gambling licenses to be issued within the city;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MINNESOTA AS FOLLOWS:

That the Marshall Baseball Association request for a premises permit at 1104 East Main Street, Marshall, Minnesota hereby be approved.

Passed by the City Council of Marshall, Minnesota this 23rd day of August 2022.

Robert J. Byrnes, Mayor

Attested:

Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider a resolution calling for a public hearing on the proposed assessments for ice, snow and weed elimination.
Background Information:	<p>Pursuant to City of Marshall Code Section 62-2 (ice and snow on public sidewalks) and pursuant to City of Marshall Code Section 82-1 (grass and weeds on private property), said ice and snow or grass and weeds have been removed from various locations within the City.</p> <p>Minnesota Statute 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process.</p> <p>Attached is a resolution declaring costs to be assessed for ice and snow removal and for weed elimination and ordering preparation of proposed assessments.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To adopt the resolution Calling for a Public Hearing on the Proposed Assessment to be held on September 27, 2022, in the Council Chambers, City Hall Building located at 344 West Main Street at or after 5:30 P.M.

Sec. 82-1. - Grass and weeds on private property.

- (a) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city, to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than eight inches or to allow such weeds or grass to go to seed, unless such grass or seed is brome grass or alfalfa, which is cut, baled and removed from the premises according to normal farming practices.
- (b) If any such owner, occupant or agent fails to comply with this height limitation and, after notice given by the city clerk, has not within seven days of such notice complied, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The finance director shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

(Code 1976, § 10.25; Ord. No. 723 2nd Series, § 1, 8-8-2017)

State Law reference— Minnesota Noxious Weed Law, Minn. Stat. § 18.75 et seq.; special assessment authorized, Minn. Stat. § 429.101.

Sec. 62-2. - Ice and snow on public sidewalks.

- (a) *Declared a nuisance.* All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 12 hours after such snow and ice has ceased to be deposited.
- (b) *City to remove.* The city may cause to be removed from all public sidewalks, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.
- (c) *Cost of removal to be assessed.* The city administrator shall, upon direction of the council, and on receipt of the information provided for in subsection (b) of this section, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessments shall, at the time of certifying taxes to the county auditor, be certified for collection as other special assessments are certified and collected.
- (d) *Civil suit for cost of removal.* The city administrator shall, in the alternative, upon direction of the council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in subsection (b) of this section, the cost of such clearing and the cost and disbursements of a civil action therefor.
- (e) *City administrator to report sidewalks cleared.* The city administrator shall present to the council at its first meeting after snow or ice has been cleared from the sidewalks, as provided in subsection (b) of this section, the report of the city thereon, and shall request the council to determine by resolution the manner of collection to be used as provided in subsections (c) and (d) of this section.
- (f) *Placing snow or ice in public street, walks or on other city property.* It is a misdemeanor for any person, not acting under a specific contract with the city, to remove snow from private property or alleys and place the snow on a public street or walks in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal of the snow. It is also a misdemeanor for any person not acting under a contract with the city to dump snow on other city property.

(Code 1976, § 7.04)

State Law reference— Special assessments for snow and ice removal, Minn. Stat. § 429.101.

RESOLUTION NUMBER 22-XXX

RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, the City Clerk has prepared a proposed assessment of the costs of the City incurred bills for snow removal and weed elimination for various properties located in the City of Marshall:

AND WHEREAS, the City Clerk has notified the City Council that such proposed assessments have been completed and filed in the Clerk's office for public inspection.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA:

1. A hearing shall be held on the 27th day of September 2022 in the Council Chambers, City Hall Building located at 344 West Main Street at or after 5:30 P.M., to pass upon such proposed assessments, and at such time and place all persons owning property affected by such assessments will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessments to be published once in the official newspaper at least two weeks prior to the hearing and shall state in the notice the total cost of the individual assessments. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment to the City of Marshall, except that no interest shall be charged if the entire assessment is paid. Such payment must be made before October 28, 2022, or interest will be charged through December 31 of the succeeding year.

Passed and adopted by the Common Council of the City of Marshall this 23rd day of August 2022.

ATTEST:

Mayor

City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 08/12/2022 - 08/23/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	08/19/2022	EFT	0.00	2,174.37	10580
4193	A & C EXCAVATING	08/19/2022	Regular	0.00	17,484.28	121631
5813	ACE HOME & HARDWARE	08/12/2022	EFT	0.00	796.65	10522
5813	ACE HOME & HARDWARE	08/19/2022	EFT	0.00	125.10	10581
6128	ACTION CO LLC	08/19/2022	EFT	0.00	143.65	10582
6469	ACTIVE911, INC	08/19/2022	Regular	0.00	180.00	121632
6412	AG PLUS COOPERATIVE	08/12/2022	EFT	0.00	140.17	10523
6412	AG PLUS COOPERATIVE	08/19/2022	EFT	0.00	50.00	10583
0578	AMAZON CAPITAL SERVICES	08/12/2022	EFT	0.00	30.35	10524
0578	AMAZON CAPITAL SERVICES	08/19/2022	EFT	0.00	67.85	10584
0581	AMERICAN ENGINEERING TESTING INC	08/19/2022	EFT	0.00	365.00	10585
6694	ARAMARK UNIFORM & CAREER APPAREL GROUP,	08/12/2022	EFT	0.00	100.76	10525
0630	ARCTIC GLACIER	08/12/2022	Regular	0.00	306.18	121600
0630	ARCTIC GLACIER	08/19/2022	Regular	0.00	853.53	121633
0629	ARNOLD MOTOR SUPPLY	08/19/2022	Regular	0.00	8.91	121634
5447	ARTISAN BEER COMPANY	08/12/2022	EFT	0.00	1,832.70	10526
5447	ARTISAN BEER COMPANY	08/19/2022	EFT	0.00	834.45	10586
6883	AT&T MOBILITY II LLC	08/19/2022	Regular	0.00	38.23	121635
0688	BELLBOY CORPORATION	08/12/2022	EFT	0.00	70.87	10527
0688	BELLBOY CORPORATION	08/19/2022	EFT	0.00	2,552.59	10587
0689	BEND RITE FABRICATION INC	08/12/2022	Regular	0.00	8.77	121601
0699	BEVERAGE WHOLESALERS	08/12/2022	Regular	0.00	35,714.56	121602
0699	BEVERAGE WHOLESALERS	08/19/2022	Regular	0.00	36,927.50	121636
0707	BISBEE PLUMBING AND HEATING INC	08/12/2022	Regular	0.00	100.00	121603
0707	BISBEE PLUMBING AND HEATING INC	08/19/2022	Regular	0.00	182.08	121637
7055	BOERBOOM, WADE	08/12/2022	Regular	0.00	750.00	121604
0724	BOLTON & MENK INC	08/12/2022	EFT	0.00	14,230.00	10528
0724	BOLTON & MENK INC	08/19/2022	EFT	0.00	30,627.65	10588
0018	BORDER STATES ELECTRIC SUPPLY	08/12/2022	EFT	0.00	243.48	10529
0018	BORDER STATES ELECTRIC SUPPLY	08/19/2022	EFT	0.00	30.72	10589
3829	BRAU BROTHERS	08/12/2022	EFT	0.00	625.00	10530
4457	BREAKTHRU BEVERAGE	08/12/2022	Regular	0.00	8,737.38	121605
4457	BREAKTHRU BEVERAGE	08/19/2022	Regular	0.00	8,935.90	121638
0763	BSN SPORTS	08/12/2022	Regular	0.00	639.86	121609
0728	BUFFALO RIDGE CONCRETE,INC	08/12/2022	EFT	0.00	544.00	10531
7020	BUILDING SPRINKLER, INC.	08/19/2022	EFT	0.00	3,731.83	10590
6791	CAPITAL ONE	08/12/2022	Regular	0.00	395.93	121610
6791	CAPITAL ONE	08/19/2022	Regular	0.00	45.33	121639
0815	CATTOOR OIL COMPANY INC	08/12/2022	EFT	0.00	4,102.20	10532
0815	CATTOOR OIL COMPANY INC	08/19/2022	EFT	0.00	1,406.33	10591
0836	CHARTER COMMUNICATIONS	08/19/2022	EFT	0.00	101.88	10592
0853	CLAREYS SAFETY EQUIPMENT INC	08/19/2022	EFT	0.00	879.10	10593
5733	CLARITY TELECOM, LLC	08/12/2022	EFT	0.00	341.49	10533
5733	CLARITY TELECOM, LLC	08/19/2022	EFT	0.00	2,845.83	10594
0875	COMPUTER MAN INC	08/12/2022	EFT	0.00	2,381.75	10534
0920	CULLIGAN WATER CONDITIONING OF MARSHALL	08/12/2022	Regular	0.00	63.00	121611
0934	D & G EXCAVATING INC	08/12/2022	EFT	0.00	448.00	10535
3819	DACOTAH PAPER CO	08/12/2022	EFT	0.00	689.38	10536
3819	DACOTAH PAPER CO	08/19/2022	EFT	0.00	144.42	10595
6204	DAVEY TREE EXPERT COMPANY	08/12/2022	Regular	0.00	2,595.00	121612
5731	DOLL DISTRIBUTING	08/12/2022	EFT	0.00	21,365.60	10537
5731	DOLL DISTRIBUTING	08/19/2022	EFT	0.00	19,142.52	10596
1020	DUININCK BROS., INC.	08/12/2022	EFT	0.00	6,462.00	10538
1020	DUININCK BROS., INC.	08/19/2022	EFT	0.00	470,997.29	10597

Council Check Report

Date Range: 08/12/2022 - 08/23/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1035	ECOLAB PEST ELIMINATION SERVICES	08/12/2022	EFT	0.00	814.18	10539
1037	ECOWATER SYSTEMS	08/12/2022	EFT	0.00	336.75	10540
1061	EMERGENCY APPARATUS MAINTENANCE INC	08/12/2022	EFT	0.00	5,153.29	10541
1061	EMERGENCY APPARATUS MAINTENANCE INC	08/19/2022	EFT	0.00	245.46	10598
4753	ENTERPRISE LEASING CO	08/19/2022	EFT	0.00	315.40	10599
1090	FASTENAL COMPANY	08/12/2022	EFT	0.00	183.04	10542
1090	FASTENAL COMPANY	08/19/2022	EFT	0.00	131.19	10600
6882	FRIEDRICHS, MELISSA	08/19/2022	EFT	0.00	67.00	10601
1158	GALLS INC	08/19/2022	EFT	0.00	204.90	10602
6478	GOPHER STATE ONE CALL	08/12/2022	EFT	0.00	225.45	10543
1193	GOPHER	08/19/2022	Regular	0.00	67.14	121640
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	08/12/2022	Regular	0.00	100.03	121613
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	08/19/2022	Regular	0.00	278.52	121641
1201	GRAINGER INC	08/12/2022	EFT	0.00	952.22	10544
1215	GREENWOOD NURSERY	08/12/2022	EFT	0.00	2,595.40	10545
1215	GREENWOOD NURSERY	08/19/2022	EFT	0.00	184.99	10603
1230	HACH COMPANY	08/19/2022	EFT	0.00	205.90	10604
1243	HARDWARE HANK	08/12/2022	EFT	0.00	64.07	10546
6707	HARRIS, DARREN	08/12/2022	Regular	0.00	114.99	121614
1256	HAWKINS INC	08/12/2022	EFT	0.00	15,630.44	10547
1256	HAWKINS INC	08/19/2022	EFT	0.00	9,208.83	10605
1268	HELENA CHEMICAL COMPANY	08/12/2022	Regular	0.00	5,055.09	121615
1271	HENLE PRINTING COMPANY	08/12/2022	EFT	0.00	197.76	10548
6324	HOOK, MATT	08/19/2022	EFT	0.00	50.00	10606
4885	HORIZON COMMERCIAL POOL SUPPLY	08/12/2022	EFT	0.00	4,541.90	10549
1280	HP INC	08/12/2022	Regular	0.00	1,038.00	121616
1311	HYVEE FOOD STORES INC	08/19/2022	Regular	0.00	29.84	121642
1325	ICMA RETIREMENT TRUST #300877	08/19/2022	Regular	0.00	50.00	121657
6536	INNOVATIVE OFFICE SOLUTIONS, LLC	08/19/2022	EFT	0.00	151.13	10607
1358	INTERNAL REVENUE SERVICE	08/19/2022	Bank Draft	0.00	30,489.64	DFT0001966
1358	INTERNAL REVENUE SERVICE	08/19/2022	Bank Draft	0.00	25,118.71	DFT0001967
1358	INTERNAL REVENUE SERVICE	08/19/2022	Bank Draft	0.00	9,125.76	DFT0001968
1362	INTOXIMETERS	08/19/2022	Regular	0.00	132.00	121643
6946	JACOBY, ZACHARY	08/19/2022	EFT	0.00	92.00	10608
5333	JOHANSSON SALES & SERVICE	08/12/2022	Regular	0.00	352.07	121617
1399	JOHNSON BROTHERS LIQUOR COMPANY	08/12/2022	EFT	0.00	10,280.94	10550
1399	JOHNSON BROTHERS LIQUOR COMPANY	08/19/2022	EFT	0.00	12,254.04	10609
1417	KENNEDY & GRAVEN, CHARTERED	08/12/2022	EFT	0.00	506.00	10551
3564	KESTELOOT ENTERPRISES, INC	08/12/2022	EFT	0.00	133.40	10552
5095	KIBBLE EQUIPMENT	08/12/2022	EFT	0.00	36.65	10553
4140	KRUSE FORD-LINCOLN-MERCURY, INC	08/12/2022	EFT	0.00	938.13	10554
4140	KRUSE FORD-LINCOLN-MERCURY, INC	08/19/2022	EFT	0.00	326.83	10610
3906	LALEMAN, GARY	08/19/2022	Regular	0.00	200.00	121644
3653	LANGUAGE LINE SERVICES	08/19/2022	EFT	0.00	322.70	10611
1507	LOCHER BROTHERS INC	08/12/2022	EFT	0.00	724.90	10555
3969	LOUWAGIE, RAYMOND	08/12/2022	Regular	0.00	218.50	121618
1552	LYON COUNTY RECORDER	08/12/2022	EFT	0.00	46.00	10556
1552	LYON COUNTY RECORDER	08/19/2022	EFT	0.00	84.35	10612
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	08/12/2022	Regular	0.00	36.96	121619
1570	MADDEN UPHOLSTERY & HOME DECORATING INC	08/12/2022	Regular	0.00	60.00	121620
6292	MADDEN, GALANTER, HANSEN, LLP	08/19/2022	EFT	0.00	2,460.00	10613
1616	MARSHALL CONVENTION & VISITORS BUREAU	08/19/2022	EFT	0.00	7,573.00	10614
1618	MARSHALL DECORATING CENTER	08/19/2022	Regular	0.00	695.88	121645
6500	MARSHALL GOLF CLUB	08/12/2022	Regular	0.00	825.00	121621
6961	MARSHALL GYMNASICS BOOSTERS	08/12/2022	Regular	0.00	1,800.00	121622
1623	MARSHALL INDEPENDENT, INC	08/19/2022	Regular	0.00	4,381.89	121646
1633	MARSHALL MUNICIPAL UTILITIES	08/12/2022	EFT	0.00	10,216.26	10557
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	08/19/2022	EFT	0.00	129.14	10615
3545	MARSHALL RADIO	08/12/2022	EFT	0.00	2,000.00	10558
5139	MATHESON TRI-GAS INC	08/12/2022	Regular	0.00	149.00	121623
4980	MENARDS INC	08/12/2022	EFT	0.00	202.68	10559

Council Check Report

Date Range: 08/12/2022 - 08/23/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
4980	MENARDS INC	08/19/2022	EFT	0.00	103.38	10616
1711	MID-AMERICAN RESEARCH CHEMICAL	08/19/2022	Regular	0.00	960.75	121648
6276	MIDSTATES EQUIPMENT & SUPPLY	08/19/2022	EFT	0.00	4,283.13	10617
3669	MINNESOTA STATE RETIREMENT SYSTEM	08/19/2022	Bank Draft	0.00	9,080.01	DFT0001963
1839	MINNESOTA VALLEY TESTING LABS INC	08/12/2022	EFT	0.00	158.40	10560
1757	MN CHILD SUPPORT PAYMENT CENTER	08/19/2022	Bank Draft	0.00	386.70	DFT0001957
1757	MN CHILD SUPPORT PAYMENT CENTER	08/19/2022	Bank Draft	0.00	222.88	DFT0001958
1757	MN CHILD SUPPORT PAYMENT CENTER	08/19/2022	Bank Draft	0.00	546.74	DFT0001959
7035	MN PUBLIC FACILITIES AUTHORITY	08/12/2022	EFT	0.00	801,691.73	10561
1818	MN REVENUE	08/19/2022	Bank Draft	0.00	12,461.42	DFT0001969
1840	MN WEST COMMUNITY TECHNICAL COLL	08/12/2022	EFT	0.00	229.00	10562
1864	MONTES ELECTRIC INC	08/12/2022	Regular	0.00	2,172.48	121624
2512	NATIONWIDE RETIREMENT	08/19/2022	Bank Draft	0.00	230.77	DFT0001954
5216	NBS CALIBRATIONS	08/19/2022	EFT	0.00	203.00	10618
1938	NEWMAN SIGNS	08/12/2022	EFT	0.00	158.24	10563
1945	NORM'S GTC	08/19/2022	Regular	0.00	251.70	121649
1986	NORTH CENTRAL INTERNATIONAL, INC	08/12/2022	EFT	0.00	127.96	10564
1986	NORTH CENTRAL INTERNATIONAL, INC	08/19/2022	EFT	0.00	525.73	10619
1946	NORTH CENTRAL LABS	08/12/2022	EFT	0.00	102.56	10565
6463	OFFICE OF MNIT SERVICES	08/19/2022	Regular	0.00	695.15	121650
5891	ONE OFFICE SOLUTION	08/12/2022	EFT	0.00	90.25	10566
5891	ONE OFFICE SOLUTION	08/19/2022	EFT	0.00	69.99	10620
3809	O'REILLY AUTOMOTIVE STORES, INC	08/19/2022	EFT	0.00	40.00	10621
7056	OTTO RENTALS LLC	08/12/2022	Regular	0.00	371.48	121626
5117	PARSONS, DAVE	08/19/2022	EFT	0.00	151.12	10622
2019	PAUSTIS WINE COMPANY	08/12/2022	Regular	0.00	3,653.30	121627
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	08/19/2022	EFT	0.00	64.00	10623
2028	PERA OF MINNESOTA REG	08/19/2022	Bank Draft	0.00	54,906.72	DFT0001961
4007	PETE'S ELECTRIC MOTOR REPAIR	08/19/2022	EFT	0.00	113.83	10624
2036	PHILLIPS WINE AND SPIRITS INC	08/12/2022	EFT	0.00	13,547.81	10567
2036	PHILLIPS WINE AND SPIRITS INC	08/19/2022	EFT	0.00	5,628.14	10625
2096	QUARNSTROM & DOERING, PA	08/19/2022	EFT	0.00	11,369.42	10626
2112	R AND G CONSTRUCTION COMPANY INC	08/12/2022	EFT	0.00	1,597.78	10568
2112	R AND G CONSTRUCTION COMPANY INC	08/19/2022	EFT	0.00	294,270.58	10627
4112	RDO EQUIPMENT CO.	08/12/2022	Regular	0.00	2,600.00	121628
2244	SCHWANS SALES ENTERPRISES	08/12/2022	Regular	0.00	832.76	121629
1643	SG LALEMAN INC.	08/19/2022	Regular	0.00	6,809.43	121651
6963	SLEEPY EYE BREWING COMPANY LLC	08/19/2022	Regular	0.00	166.80	121652
3495	SMSU	08/12/2022	EFT	0.00	540.00	10569
4855	SOUTHERN GLAZER'S	08/12/2022	EFT	0.00	18,758.73	10570
4855	SOUTHERN GLAZER'S	08/19/2022	EFT	0.00	10,328.88	10628
2309	SOUTHWEST COACHES INC	08/19/2022	EFT	0.00	1,500.00	10629
2311	SOUTHWEST GLASS CENTER	08/12/2022	EFT	0.00	75.40	10571
2311	SOUTHWEST GLASS CENTER	08/19/2022	EFT	0.00	135.00	10630
3022	SOUTHWEST HEALTH & HUMAN SERVICES	08/12/2022	Regular	0.00	400.00	121630
2318	SOUTHWEST SANITATION INC.	08/19/2022	EFT	0.00	3,013.36	10631
5922	SRF CONSULTING GROUP, INC.	08/19/2022	EFT	0.00	2,015.33	10632
0491	ST AUBIN, GREGORY	08/12/2022	EFT	0.00	120.00	10572
2345	ST CROIX RECREATION FUNPLAYGROUNDS	08/19/2022	Regular	0.00	261.00	121653
2373	STREICHERS	08/19/2022	EFT	0.00	127.96	10633
3940	SW CENTER FOR INDEPENDENT LIVING	08/19/2022	Regular	0.00	25.00	121654
3953	SWANK MOTION PICTURES, INC	08/12/2022	EFT	0.00	495.00	10573
6277	TALKING WATERS BREWING CO, LLC	08/19/2022	EFT	0.00	745.00	10634
6137	TEIGS LAWN CARE & LANDSCAPING, LLC	08/19/2022	Regular	0.00	150.00	121655
2143	THOOFT ENTERPRISES LLC	08/12/2022	EFT	0.00	1,290.90	10574
2449	TRAF-O-TERIA SYSTEM	08/19/2022	Regular	0.00	257.22	121656
6156	TRUE BRANDS	08/19/2022	EFT	0.00	571.54	10635
2499	US BANK	08/12/2022	EFT	0.00	500.00	10575
3443	VALIC DEFERRED COMP	08/19/2022	Bank Draft	0.00	941.61	DFT0001955
3443	VALIC DEFERRED COMP	08/19/2022	Bank Draft	0.00	1,405.77	DFT0001956
6113	VERSA-VEND VENDING INC	08/12/2022	EFT	0.00	1,086.34	10576

Council Check Report

Date Range: 08/12/2022 - 08/23/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2538	VIKING COCA COLA BOTTLING COMPANY	08/12/2022	EFT	0.00	440.95	10577
2538	VIKING COCA COLA BOTTLING COMPANY	08/19/2022	EFT	0.00	418.90	10636
4594	VINOCUPIA	08/19/2022	EFT	0.00	1,513.15	10637
6085	VOYA - INVESTORS CHOICE	08/19/2022	Bank Draft	0.00	2,234.21	DFT0001964
2605	WINE MERCHANTS	08/12/2022	EFT	0.00	298.02	10578
2632	ZIEGLER INC	08/12/2022	EFT	0.00	366.17	10579

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	95	53	0.00	149,158.42
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	13	13	0.00	147,150.94
EFT's	224	116	0.00	1,859,277.98
	332	182	0.00	2,155,587.34

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	95	53	0.00	149,158.42
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	13	13	0.00	147,150.94
EFT's	224	116	0.00	1,859,277.98
	332	182	0.00	2,155,587.34

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	8/2022	2,155,587.34
			2,155,587.34

**CITY OF MARSHALL, MINNESOTA
PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
8/23/2022**

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:
W13	602-49500-55120	5/28/2019	WWTF Improvement Project										
CH1	494-43300-55120	11/12/2019	City Hall Renovation	14,074,300.00	(26,609.74)	14,047,690.26	4,099,265.87	6,918,924.06	3,029,500.33			-	-
Z83	479-43300-55170	2/23/2021	James Ave/Camden Dr Reconstruction	5,030,200.00		5,779,560.00		3,039,722.04	2,661,221.96	66,794.00		11,822.00	-
Z88	479-43300-55170	4/13/2021	State Aid Overlay	849,244.50	8,701.86	857,946.36			779,179.36	78,767.00		-	-
PK-001	401-45200-55130	8/25/2021	Independence Park Trail Replacement	1,924,600.45	(33,840.43)	1,890,760.02			1,879,301.49	11,458.53		-	-
SWM-007	630-49600-55170	10/12/2021	Independence Park Pond Forebay Expansion	375,659.10	6,940.50	382,599.60			109,320.20	226,344.35	17,484.28	18,586.78	10,863.99
AP-005	101-43400-55120	10/12/2021	Independence Park Pond Forebay Expansion	229,255.50	(1,134.66)	228,120.84				228,120.84		-	-
ST-002	495-43300-55170	2/8/2022	A/D Building Roof Repair	37,200.00	45,399.00	82,599.00			51,879.00	30,720.00		-	-
ST-003	480-43300-55170	2/8/2022	Bituminous Overlay on Various City Streets	560,573.35	10,921.45	571,494.80				152,350.87	465,601.79	32,523.82	(78,981.68)
ST-001	101-43300-53425	2/22/2022	1st/Greeley/Williams Reconstruction	1,647,498.69	2,500.00	1,649,998.69				308,708.11	294,270.58	31,735.72	1,015,284.28
ST-004	480-43300-55170	2/22/2022	Chip Seals	210,581.00		210,581.00							210,581.00
ST-006 (Z79)	495-43300-55130	5/10/2022	Halbur Road Reconstruction	1,142,009.72	41,873.66	1,183,883.38				286,578.50			897,304.88
ST-005	480-43300-55170	5/24/2022	School Pedestrian Crossing Improvements	480,250.35		480,250.35							480,250.35
ST-023	480-43300-55170	5/24/2022	Rose Parking Lot Reconstruction	140,177.51	19,600.57	159,778.08				158,180.30	1,597.78	-	0.00
ST-024	480-43300-55170	7/12/2022	R & G Construction Co.	409,645.10		409,645.10				225,948.95		11,892.05	171,804.10
			Baldwin Parking Lot Reconstruction	159,515.77		159,515.77							159,515.77
				27,270,711.04	823,712.21	28,094,423.25	4,099,265.87	9,958,646.10	8,510,402.34		778,954.43	106,560.37	2,866,622.69

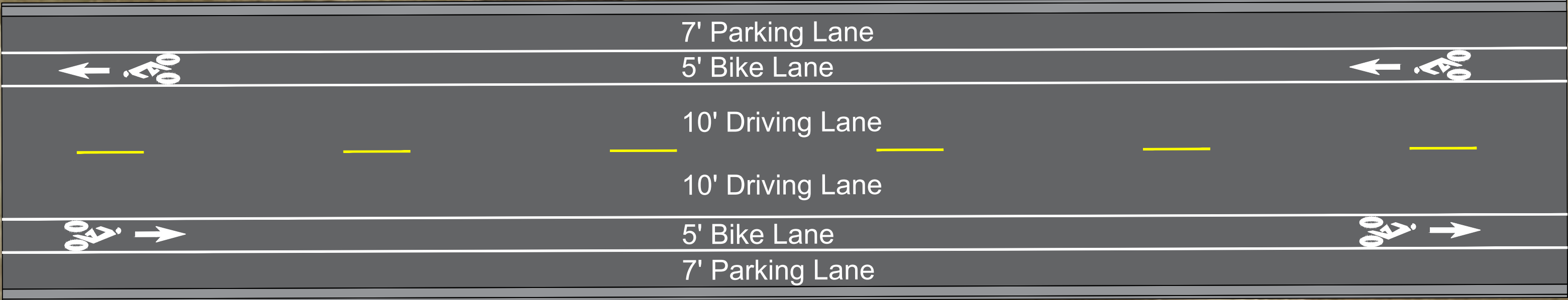
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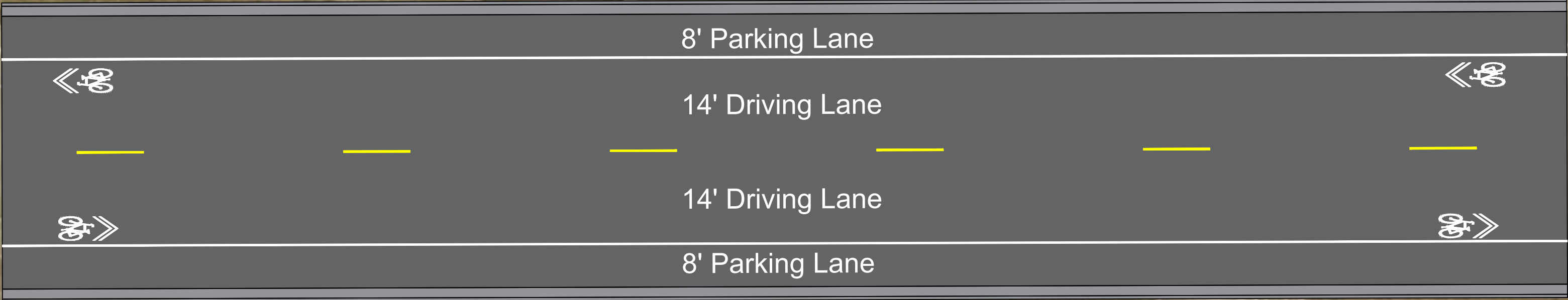
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CITY OF MARSHALL AGENDA ITEM REPORT

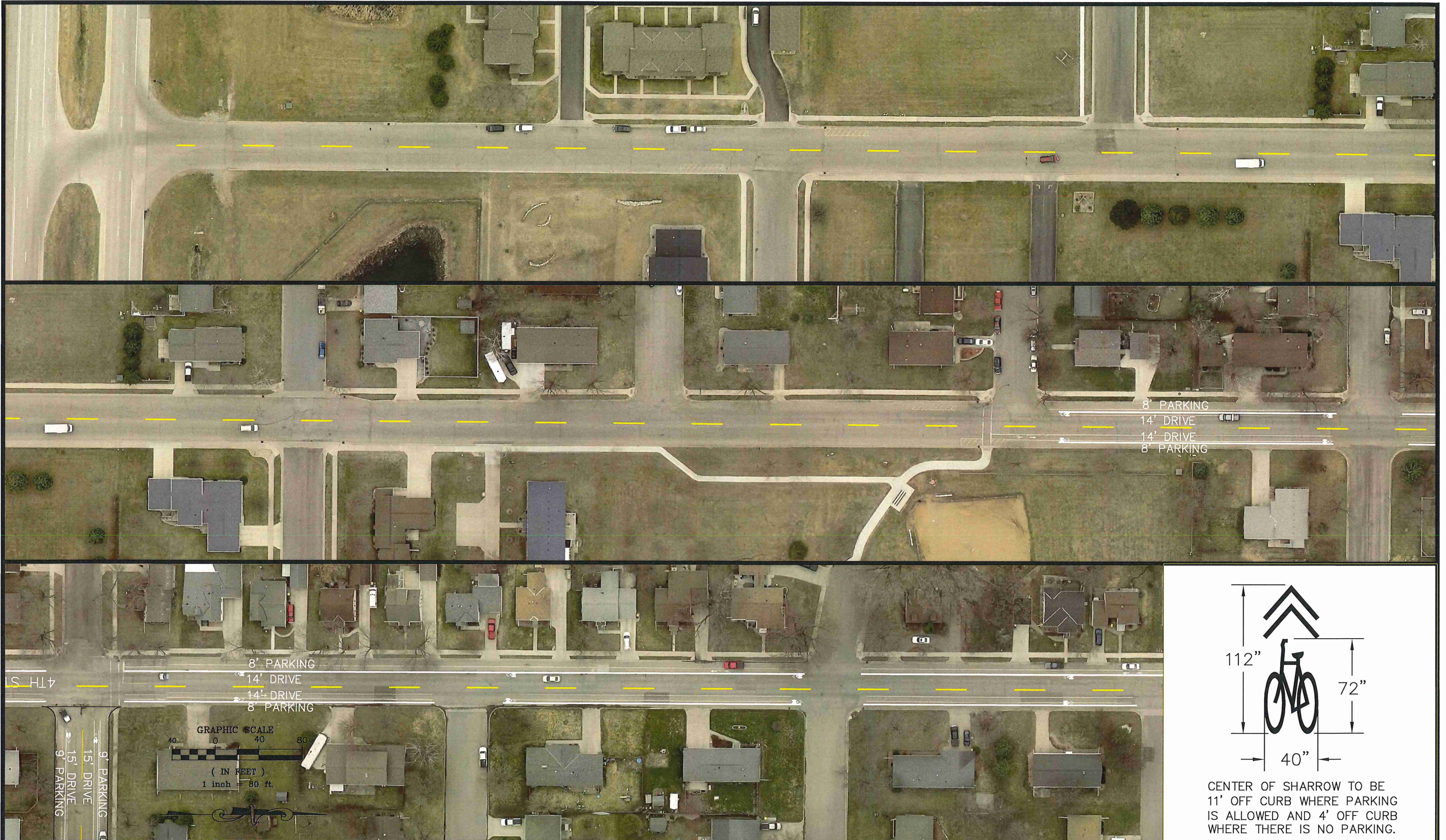
Meeting Date:	Tuesday, August 23, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	On-Street Bike Lanes on State Aid Streets.
Background Information:	<p>Early this year the City completed Project Z88-State Aid Mill and Overlay. Upon project completion, MnDOT District 8 staff reviewed our project for final approval. District 8 staff noticed that our on-street bike lanes appeared to be out of compliance with State Aid rules and asked that we review. Most of our on-street bike lanes do not meet minimum standards for State Aid routes because each roadway use meets the minimum threshold for width. The parking lane, bike lanes, and driving lanes cannot <u>all</u> be at minimum width, and in our situation, we oftentimes are at all minimum widths.</p> <p>To resolve this issue, the City is presented with five options:</p> <ol style="list-style-type: none"> 1: Widen streets to allow more space. 2: Keep bike lanes painted as they are today. Apply for a variance through State Aid. 3: Remove parking from one side of the street and re-stripe the bike lanes. 4: Remove the dedicated bike lanes and paint shared lane markings, otherwise known as “sharrows”. 5: Remove bike lane striping altogether. <p><u>Options 1, 3, and 5:</u> - would not be recommended by City staff. Option 1 would require extensive curb, gutter, driveway, utility and pavement cost and it is cost-prohibitive. Option 3 would require significant parking removal in fully-established residential neighborhoods. Option 5 is a step backward from our goal of achieving “complete streets” that create transportation corridors that are safe, functional, and aesthetically attractive for all users.</p> <p><u>Option 2: Keep bike lanes and seek variance</u> - The benefit of keeping the on-street bike lanes is that bike lanes are the most preferred option for protecting space for bicycle users because it identifies space that can only be used for bicyclists. A motor vehicle should not be driving in the bike lane unless the vehicle needs to cross for turning or parking movements. The negative of leaving this arrangement is that our vehicle driving lanes are quite narrow and they force vehicles to drive closely past bicyclists and opposing traffic. Keeping this arrangement would require a variance to be granted by a statewide board that is comprised of public officials and engineering staff. There is no guarantee that this board will agree to grant our variance. A typical layout is included in the packet.</p> <p><u>Option 4: Remove the dedicated bike lanes and paint shared lane markings</u> - The benefit of this option is that the streets can be re-striped in a manner that allows for more space in the driving lanes, and more space in the parking lanes in many situations. The idea in this situation would be to paint driving lanes that are 14-FT wide and parking lanes that are generally 8-FT wide. We then paint a bike symbol with two chevrons in the driving lane (11-FT from the curb) and ensure that streets are signed as “bike routes” and not “bike lanes”. This designation serves as a reminder to the traveling public that this is a bike route and that the road must be shared. In many instances in Marshall, these routes have limited parking and bicyclists will typically choose to travel closer to the curb. A typical layout is included in the packet.</p>

	<p>City staff would recommend to stripe in accordance with Option 4 with shared lane markings. This option will make the streets feel more comfortable to the vehicle drivers while also fully accommodating parking and calling attention to bicyclists on the streets. Staff believes this arrangement to be a good compromise to continue to meet our objectives in achieving “complete streets” while also meeting minimum State Aid standards for typical lane widths.</p> <p>This information was presented to the Public Improvement/Transportation Committee at their meeting on August 8, 2022. MOTION BY LOZINSKI, SECONDED BY LABAT to stripe in accordance with listed Option 4 to a shared-lane arrangement. ALL VOTED IN FAVOR. MOTION PASSED 3:0.</p>
Fiscal Impact:	Cost to re-stripe is minimal when considered against typical annual costs to re-stripe existing bike lanes.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council approve and authorize striping in accordance with listed Option 4 to a shared lane arrangement, as per recommendation of the Public Improvement/Transportation Committee.










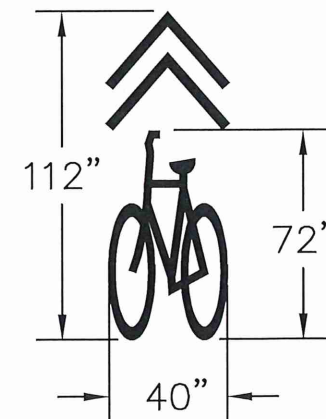
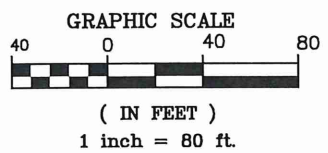
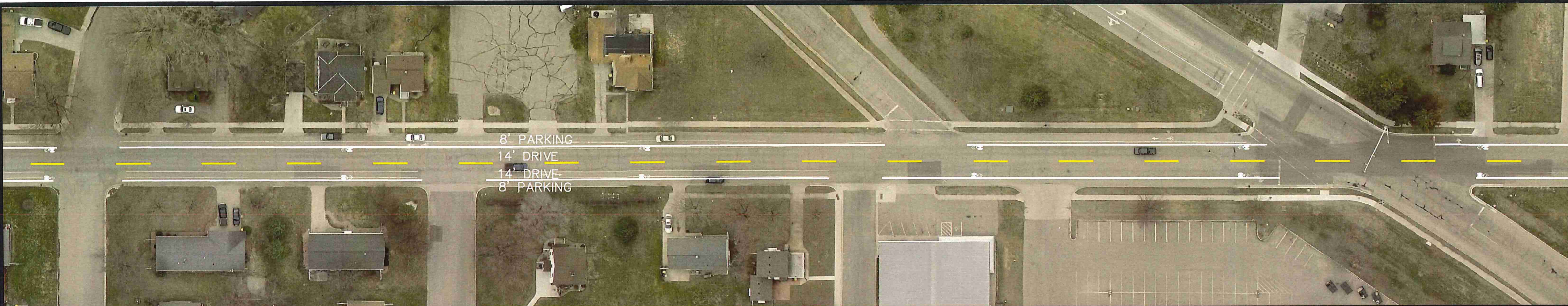
DESIGNED BY: _____	DATE _____	REVISIONS _____	INIT. _____
Item 13.			
SCALE: 1"=80'			

 MARSHALL	ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258
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SOUTH 4TH STREET	
STRIPING SHEET	

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.	
DATE _____	LICENSE NO. 53322

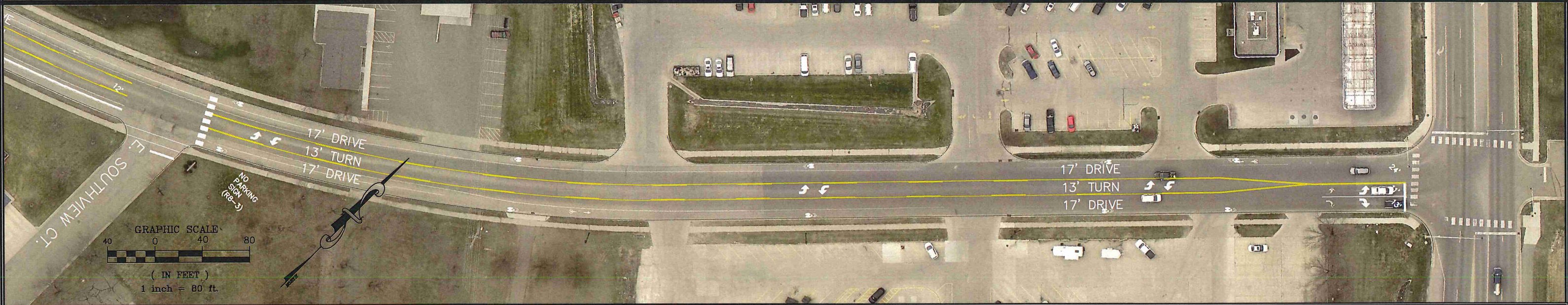
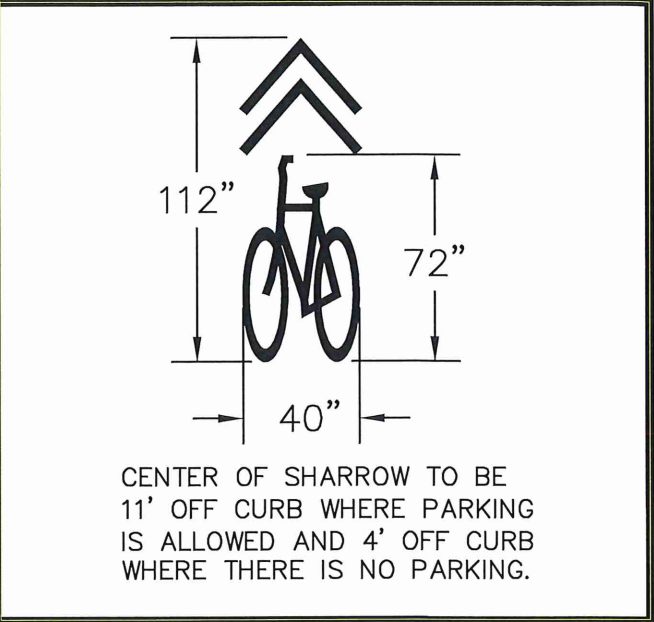
CITY PROJECT NO. ST	DATE 06/24/2022
STATE AID PROJECT NO. NA	Page 74 10F 8




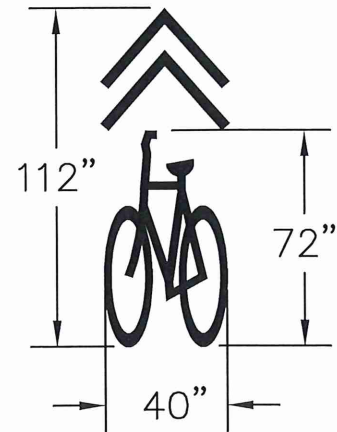
CENTER OF SHARROW TO BE
11' OFF CURB WHERE PARKING
IS ALLOWED AND 4' OFF CURB
WHERE THERE IS NO PARKING.

DESIGNED BY: <u>G.J.S.</u>	DATE	REVISIONS	INIT.	 ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258 MARSHALL	SOUTH 4TH STREET	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. DATE _____ LICENSE NO. <u>53322</u>	CITY PROJECT NO. ST	DATE 06/24/2022
Item 13.					STRIPING SHEET		STATE AID PROJECT NO. NA	Page 75
SCALE: 1"=80'								

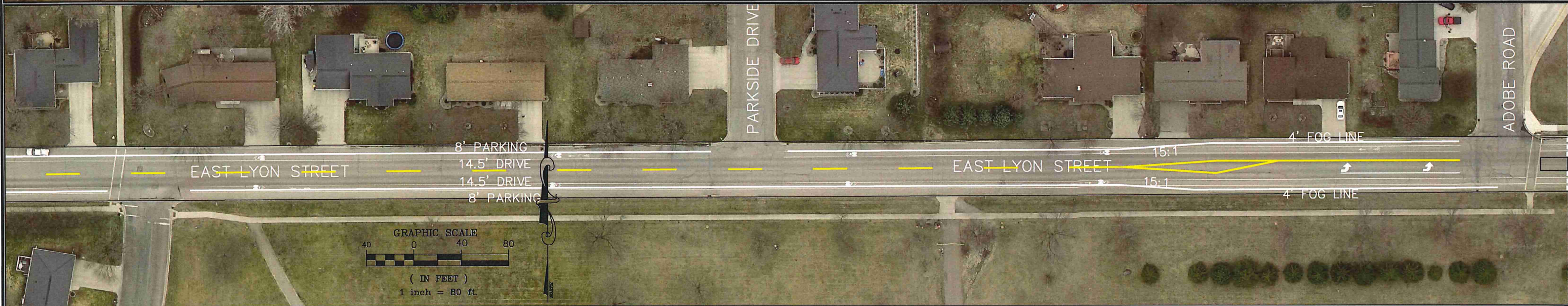




DESIGNED BY: _____ Item 13. _____ SCALE: 1"=80'	DATE _____ REVISIONS _____ INT. _____	 MARSHALL ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258	SOUTHVIEW/ 4TH STREET STRIPING SHEET	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. DATE _____ LICENSE NO. 53322	CITY PROJECT NO. ST STATE AID PROJECT NO. NA DATE 06/24/2022 Page 77
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CENTER OF SHARROW TO BE 11' OFF CURB WHERE PARKING IS ALLOWED AND 4' OFF CURB WHERE THERE IS NO PARKING.



DESIGNED BY:	DATE	REVISIONS	INIT.
Item 13.			



MARSHALL

ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258


LYON STREET
STRIPING SHEET

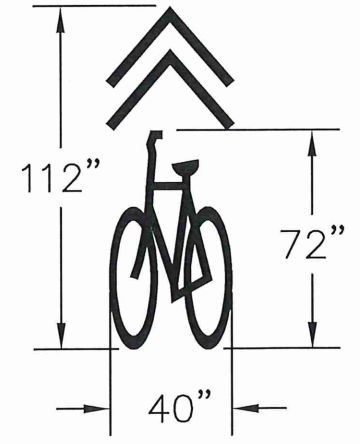
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ LICENSE NO. 53322

CITY PROJECT NO. ST	DATE 06/24/2022
STATE AID PROJECT NO. NA	Page 78




DESIGNED BY: _____ G.J.S. Item 13. J.R.A. SCALE: 1"=80'	DATE _____ REVISIONS _____ INIT. _____	 MARSHALL ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258	LYON STREET STRIPING SHEET	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. DATE _____ LICENSE NO. 53322	CITY PROJECT NO. ST STATE AID PROJECT NO. NA	DATE 06/24/2022 Page 79
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CENTER OF SHARROW TO BE 11' OFF CURB WHERE PARKING IS ALLOWED AND 4' OFF CURB WHERE THERE IS NO PARKING.

DESIGNED BY:	DATE	REVISIONS	INIT.
Item 13. G.J.S.			
J.R.A.			
SCALE: 1"=80'			



MARSHALL

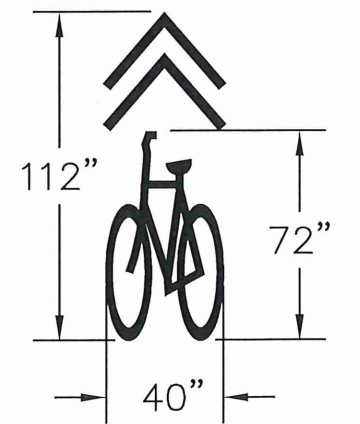
ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

BRUCE STREET
STRIPING SHEET

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.


DATE: _____ LICENSE NO. 53322

CITY PROJECT NO. ST	DATE 06/24/2022
STATE AID PROJECT NO. NA	Page 80



CENTER OF SHARROW TO BE 11' OFF CURB WHERE PARKING IS ALLOWED AND 4' OFF CURB WHERE THERE IS NO PARKING.

DESIGNED BY: _____	DATE _____	REVISIONS _____	INIT. _____
Item 13.			
SCALE: 1"=80'			



MARSHALL

ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

JEWETT STREET

STRIPING SHEET

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE _____ LICENSE NO. 53322

CITY PROJECT NO. ST

STATE AID PROJECT NO. NA

DATE 06/24/2022

Page 81

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022																																			
Category:	NEW BUSINESS																																			
Type:	ACTION																																			
Subject:	Consider Joint Funding Agreement with US Geological Survey (USGS) for Redwood River Gaging Station near Marshall, Minnesota for Federal FY2022-2026.																																			
Background Information:	<p>Attached is a copy of the Joint Funding Agreement with US Geological Survey (USGS) for Redwood River Gaging Station near Marshall, Minnesota, for federal FY2022-2026.</p> <p>In 2010, the City of Marshall was notified that the Department of Natural Resources (DNR) would be discontinuing funding of the stream gage just west of the City of Marshall.</p> <p>The USGS relocated and constructed a new gage at no cost to the local entities, but requires funding for 50% of the operational costs.</p> <p>This is an extremely important gage for not only flooding but several other informational issues, including the following items:</p> <ul style="list-style-type: none">- 75 years of continuous streamflow record- Unregulated flow record important for assessing trends- Site is part of National Streamflow Information Program- Gage data used in USGS water-quality studies- Flood forecasting and warning- Water-quality & aquatic life assessments- Wastewater permits tied to streamflows <p>The USGS has estimated that the operational cost for federal FY2022-2026 will be per the table below. The City of Marshall will be the local project sponsor of the 50% match of this gage.</p> <table><tr><th>Year</th><th>Total</th><th>USGS FPS Funds</th><th>City of Marshall</th><th>Comment</th></tr><tr><td>FFY2022</td><td>\$17,362</td><td>\$8,666</td><td>\$8,696</td><td>Assume 1% inflation</td></tr><tr><td>FFY2023</td><td>\$17,536</td><td>\$8,753</td><td>\$8,783</td><td>Assume 1% inflation</td></tr><tr><td>FFY2024</td><td>\$17,711</td><td>\$8,841</td><td>\$8,871</td><td>Assume 1% inflation</td></tr><tr><td>FFY2025</td><td>\$17,888</td><td>\$8,929</td><td>\$8,960</td><td>Assume 1% inflation</td></tr><tr><td>FFY2026</td><td>\$18,067</td><td>\$9,018</td><td>\$9,050</td><td>Assume 1% inflation</td></tr><tr><td>Total</td><td>\$88,564</td><td>\$44,207</td><td>\$44,360</td><td></td></tr></table> <p>Since the initial agreement, ADM has continued to partner with the City in funding 50% of the annual operational costs, which City staff invoices annually to ADM.</p>	Year	Total	USGS FPS Funds	City of Marshall	Comment	FFY2022	\$17,362	\$8,666	\$8,696	Assume 1% inflation	FFY2023	\$17,536	\$8,753	\$8,783	Assume 1% inflation	FFY2024	\$17,711	\$8,841	\$8,871	Assume 1% inflation	FFY2025	\$17,888	\$8,929	\$8,960	Assume 1% inflation	FFY2026	\$18,067	\$9,018	\$9,050	Assume 1% inflation	Total	\$88,564	\$44,207	\$44,360	
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Total	\$88,564	\$44,207	\$44,360																																	
Fiscal Impact:	<p>Work performed with funds from this agreement will be conducted on a fixed-price basis.</p> <p>The City of Marshall will be billed on an annual basis, and the local participation will be paid from the Surface Water Management Utility. City staff will invoice ADM for their 50% participation.</p>																																			
Alternative/ Variations:	No alternative actions recommended.																																			
Recommendation:	that the Council authorize entering into the attached five-year Joint Funding Agreement with US Geological Survey (USGS) for the Redwood River Gaging Station near Marshall, Minnesota, for federal FY2022-2026.																																			



United States Department of the Interior

U.S. GEOLOGICAL SURVEY

Upper Midwest Water Science Center

Minnesota Office
2280 Woodale Drive
Mounds View, MN 55112
763.783.3100

Wisconsin Office
1 Gifford Pinchot Drive
Madison, WI 53726-2398
608.828.9901

Michigan Office
5840 Enterprise Drive
Lansing, MI 48911
517.887.8903

Jason Anderson
Director of Public Works
City of Marshall
344 West Main Street
Marshall, MN 56528

Dear Jason,

Attached is our standard Joint Funding Agreement for the operation of the gaging station at 053150000 Redwood River at Marshall, MN, during the period October 1, 2021 through September 30, 2026 in the amount of \$44,360 cash from your agency. Please sign and return one fully-executed original to Lisa L Syde-Hagen at email, lsyde-hagen@usgs.gov.

This is a fixed cost agreement to be billed annually, via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Angela Hughes at email, amhughes@usgs.gov.

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

John F. Walker
Center Director

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Agreement#: 22NKJFA205
Customer#: 6000001452
Project #: NK-LZN, 001MN, XD
TIN #: 41-6005351
USGS DUNS #: 091721100

Fixed Cost Agreement YES ☒ NO ☐

THIS AGREEMENT is entered into as of the October 1, 2021, by the U.S. GEOLOGICAL SURVEY, Upper Midwest Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the City of Marshall party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation the operation of the gaging station at 053150000 redwood River at Marshall, MN, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$0.00 by the party of the first part during the period
October 1, 2021 to September 30, 2026
- (b) \$44,360 by the party of the second part during the period
October 1, 2021 to September 30, 2026
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program: USGS FPS Funds \$44,207

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations

Agreement#: 22NKJFA205
Customer#: 6000001452
Project #: NK-LZN, 001MN,XD
TIN #: 41-6005351
USGS DUNS #: 091721100

9. Billing for this agreement will be rendered quarterly. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: James Fallon
Supervisory Hydrologist
Address: 2280 Woodale Drive
Mounds View, MN 55112
Telephone: (763) 783-3255
Fax: (763) 783-3103
Email: jfallon@usgs.gov

Customer Technical Point of Contact

Name: Jason Anderson
Address: 344 West Main Street
Marshall, MN 56528
Telephone: (507) 537-6776
Fax:
Email: Jason.Anderson@ci.marshall.mn.us

USGS Billing Point of Contact

Name: Angela Hughes
Admin. Operations Asst.
Address: 2280 Woodale Drive
Mounds View, MN 55112
Telephone:
Fax:
Email: amhughes@usgs.gov

Customer Billing Point of Contact

Name: Jason Anderson
Address: 344 West Main Street
Marshall, MN 56528
Telephone: (507) 537-6776
Fax:
Email: Jason.Anderson@ci.marshall.mn.us

U.S. Geological Survey
United States
Department of Interior

City of Marshall

Signature

By _____ Date: _____
Name: John F. Walker
Title: Center Director

Signatures

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

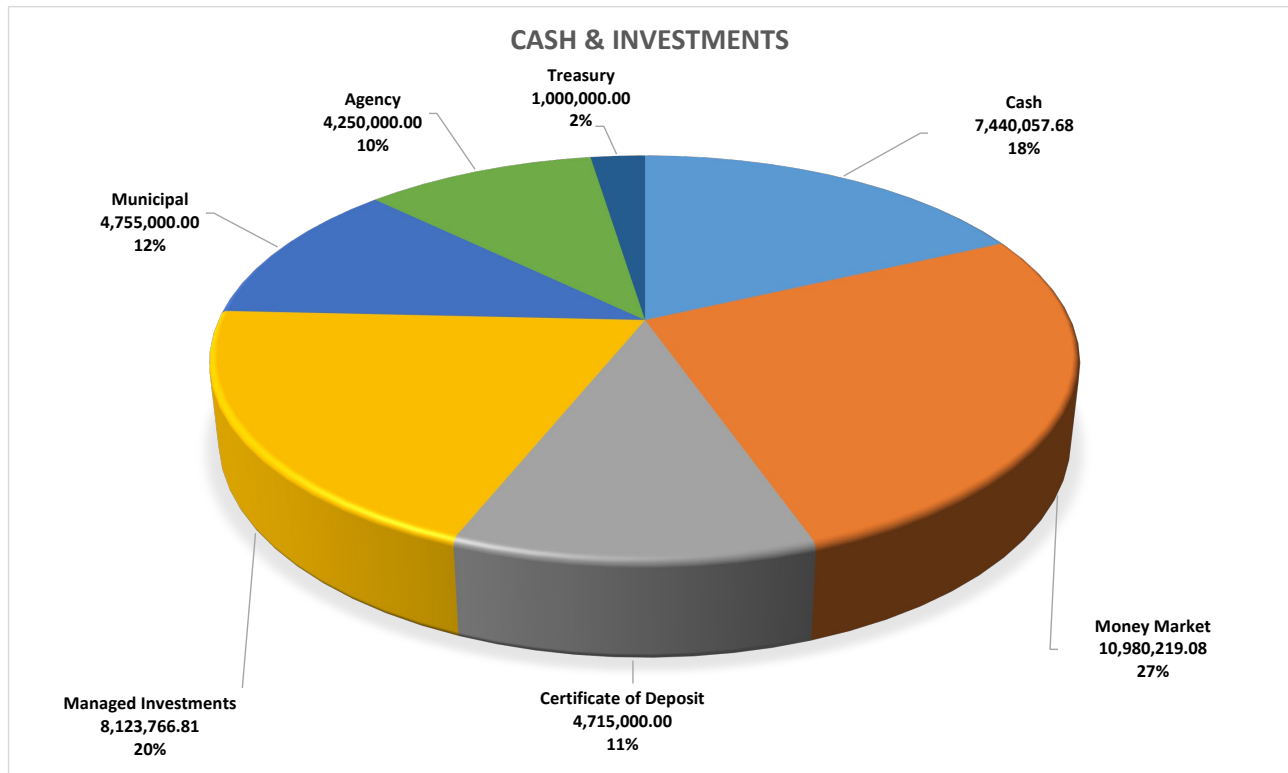
By _____ Date: _____
Name:
Title:

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission, Planning Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Cable Commission, Community Services Advisory Board, Economic Development Authority</p> <p>DeCramer – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion Commission, Public Housing Commission</p> <p>Labat – Adult Community Center Commission, Convention & Visitors Bureau, Library Board, Marshall Area Transit Committee</p> <p>Lozinski – Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	

City of Marshall, Minnesota
Cash & Investments
7/31/2022

	Par	Rate
CASH & INVESTMENTS:		
Checking - Bremer	7,440,057.68	0.00%
Money Market - Bremer	2,496,960.60	0.15%
Money Market - Bank of the West	3,386,993.16	0.10%
Money Market - US Bank	2,590,645.89	1.87%
Money Market - US Bank (ARP Funds)	1,475,147.76	1.87%
Money Market - Wells Fargo	1,030,471.67	1.63%
Certificate of Deposit - Bremer	3,000,000.00	0.40%
Certificate of Deposit - Wells Fargo	490,000.00	1.45% Average
Investment Portfolio - General Fund	2,629,655.50	
Investment Portfolio - WW/SW Capital Reserve	3,538,379.17	
Investment Portfolio - Endowment Fund	1,955,732.14	
Municipal - US Bank	4,755,000.00	0.63% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	4,250,000.00	0.24% Average
Treasury - US Bank	1,000,000.00	2.35%
TOTAL CASH & INVESTMENTS	41,264,043.57	



BUILDING PERMIT LIST AUGUST 23, 2022

Applicant Name	Location Address	Description of Work	Valuation
OTTO RENTALS LLC	1006 HACKBERRY DR	Re-Roofing	\$19,500.00
OTTO RENTALS LLC	1008 HACKBERRY DR	Re-Roofing	\$19,500.00
JOSE LUIS & PAULA RAMIREZ JT	105 GREELEY ST W	Interior Remodeling	\$3,200.00
Bladholm Construction	1501 COLLEGE DR E	Building Addition	\$9,700.00
MARSHALL LUMBER CO	1305 PINEHURST RD	Doors, Other, Re-Siding	\$25,000.00
BRELAND ENTERPRISES INC	500 1ST ST S	Other	\$3,963.23
GESKE BUILDING & SUPPLY COMPAN	406 HUDSON AV	Windows	\$1,400.00
YOUR HOME IMPROVEMENT COMPANY	711 MARGUERITE AV	Windows	\$7,300.00
GESKE BUILDING & SUPPLY COMPAN	608 SARATOGA ST S	Doors, Windows	\$3,500.00
BRELAND ENTERPRISES INC	402 VIKING DR	Other	\$9,353.66
JEFF GLADIS CONSTRUCTION LLC	1002 PARIS RD	Re-Roofing	\$11,900.00
JASPER PEGEL	510 LYON ST W	Interior Remodeling	\$4,000.00
CentiMark Corporation	600 MICHIGAN RD	Re-Roofing	\$432,255.00
LAYLE FRENCH CONSTRUCTION INC	702 KENNEDY ST	Windows	\$2,000.00
LAH LAW & KHAING THA ZIN OO JT	406 THOMAS AV W	Windows	\$4,900.00
Dale Heard	411 MAIN ST W	Re-Siding	\$36,000.00

PLUMBING PERMIT LIST AUGUST 23, 2022

Applicant Name	Location Address	Description of Work	Valuation
JOSE LUIS & PAULA RAMIREZ JT	105 GREELEY ST W	Plumbing - Interior remode	\$0.00
KEVIN GOSLAR TRIO PLUMBING & H	803 SOUTHVIEW CT W	HVAC - Air Conditioning, Fu	\$6,800.00

2022 Regular Council Meeting Dates

2nd and 4th Tuesday of each month *(Unless otherwise noted)*

5:30 P.M.

City Hall, 344 West Main Street

January

1. January 11, 2022
2. January 25, 2022

February

1. February 08, 2022
2. February 22, 2022

March

1. March 08, 2022
2. March 22, 2022

April

1. April 12, 2022
2. April 26, 2022

May

1. May 10, 2022
2. May 24, 2022

June

1. June 14, 2022
2. June 28, 2022

July

1. July 12, 2022
2. July 26, 2022

August

1. August 08, 2022 *(Monday)*
2. August 23, 2022

September

1. September 13, 2022
2. September 27, 2022

October

1. October 11, 2022
2. October 25, 2022

November

1. November 07, 2022 *(Monday)*
2. November 22, 2022

December

1. December 13, 2022
2. December 27, 2022

2022 Uniform Election Dates

- February 08, 2022
- April 12, 2022
- May 10, 2022
- August 09, 2022
- November 08, 2022

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

Subdivision 1. School districts; counties; municipalities; special taxing districts. No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.



Upcoming Meetings

August

- 08/23 Legislative & Ordinance Committee, 12:45 PM, City Hall
 - 08/23 Work Session, 3:00 PM, City Hall
 - Capital Requests
 - Operating Budget
 - Presentation on preliminary tax base changes
 - 08/23 Regular Meeting, 5:30 PM, City Hall
 - 08/29 Ways and Means Committee, 2:00 PM, City Hall
-

September

- 09/07 Diversity, Equity, and Inclusion Commission, 3:00 PM, City Hall
 - 09/13 Regular Meeting, 5:40 PM, City Hall
 - 09/27 Regular Meeting, 5:30 PM, City Hall
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October

- 10/05 Diversity, Equity, and Inclusion Commission, 3:00 PM, City Hall
 - 10/11 Work Session, 4:00 PM, City Hall
 - Health & Dental Insurance
 - 10/11 Regular Meeting, 5:30 PM, City Hall
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